HICKMAN, NEBRASKA ZONING ORDINANCE

ADOPTED MAY 12, 1998

ORDINANCE No. 98-2

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CITY OF HICKMAN, NEBRASKA ZONING ORDINANCE

Ordinance No. 98-2

ARTICLE 1: TITLE AND PURPOSE

Section 1: Title

This Ordinance may be known and may be cited and referred to as the Zoning Ordinance of the City of Hickman, Nebraska.

Section 2: Purposes

This ordinance has been made in accordance with a comprehensive plan and to promote the health and general welfare of the community; to lessen congestion in streets; to secure safety from fire and other dangers; to provide adequate light and air; to promote the distribution of population, land classifications and land development to support provisions for adequate transportation, water flows, water supply, drainage, sanitation, recreation, and other public requirements; to protect property against blight and depreciation; and to secure economy in governmental expenditures.

ARTICLE 2: DEFINITIONS

Section 1: Rules

For the purpose of this ordinance the following rules shall apply:

- 1.01 Words and numbers used singularly shall include the plural. Words and numbers used plurally shall include the singular. Words used in the present tense shall include the future.
- 1.02 The word "persons" includes a corporation, members of a partnership or other business organization, a committee, board, trustee, receiver, agent or other representative.
- 1.03 The word "shall" is mandatory.
- 1.04 The words "use", "used", "occupy" or "occupied" as applied to any land or building shall be construed to include the words "intended", "arranged" or "designed" to be used or occupied.
- 1.05 The word "commission" shall refer to the Planning and Zoning Commission of Hickman, Nebraska.
- 1.06 Where there is a discrepancy within this ordinance, the most restrictive shall apply.

Section 2: Definitions.

For the purpose of this zoning ordinance, the following words and terms as used herein are defined as follows, unless the context clearly indicates otherwise. Certain articles or divisions hereof contain definitions which are additional to those listed herein.

Accessory Building or Use is a building or use which exhibits the following:

- Constructed or located on the same lot as the principal building or use served, except as may be specifically provided elsewhere in this Ordinance.
- 2) Clearly incidental to, subordinate in purpose and area to, and serves the principal use.
- 3) Satellite Dishes.

<u>Agriculture</u> is the use of land for the purpose of obtaining a profit by raising, harvesting, and selling crops or by the feeding, breeding, managements, and sale of, or the produce of, livestock, poultry, fur-bearing animals, or honeybees, or for dairying and any other agricultural or horticultural use.

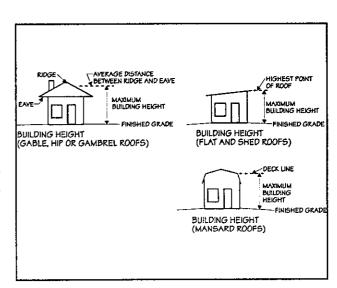
Alley is any public or private way set aside for public travel of not less than sixteen (16) feet.

<u>Automobile Wash Facility</u> is a building, or portion thereof, containing facilities for the primary purpose of washing automobiles, using production line methods with a chain conveyor, blower, steam cleaning device, or other mechanical devices; or providing space, water, equipment, or soap for the complete or partial hand-washing of such automobiles, whether by operator or by customer.

<u>Basement</u> is a story of a building having part but not more than one-half (½) of its lowest story below grade. A basement is counted as a story for the purpose of height regulations if subdivided and used for dwelling purposes other than by a domestic employee on the premises.

Boarding House/Bed and Breakfast is a building other than a hotel or a motel, where, for compensation and by prearrangement for definite periods, meals, lodging, or lodging and meals, are provided. This includes bed and breakfast facilities and tourist homes accommodating not more than twenty persons.

<u>Building</u> is any structure constructed or intended for residence, business, industry for either public or private purposes, or accessory thereto, and including tents, lunch wagons, dining cars, house trailers, and similar structures whether stationary or movable.



<u>Building, Height of</u> For a flat roof is the vertical distance measured from the established grade to the highest point of the coping of a flat roof; to the deck line of a mansard roof; and to the mean level between the eaves and the ridge of a gable, hip, or gambrel roof. Chimneys, spires, towers, elevator penthouses, tanks, and similar projections, other than signs, shall not be included in calculating the height. The vertical distance from the established average sidewalk grade or street grade, or finished grade at the building line, whichever is the highest, to the highest point of the roof.

<u>Building</u>. <u>Principal</u> is a building, including covered porches and paved patios, in which is conducted the principal use of the lot on which it is situated. In any residence district any dwelling shall be deemed to be the principal building on the lot on which the same is situated.

<u>Building Setback Line</u> is a line measured from the front property line beyond which no building or structure may be erected. On an irregular shaped lot such line shall be set at a point where the lot meets the minimum lot width or zoning district setback, whichever is greater.

<u>Campsite</u> is a parcel of land occupied or intended for occupancy by only one of the following: tent, tent trailer, pickup camper or camping trailer.

<u>Cellar</u> is that portion of a building having more than one-half (½) of its height below grade. A cellar is not included in computing the number of stories for purpose of height measurement.

<u>Child Care Center</u> is an establishment other than a public or parochial school, which provides day care, play groups, nursery schools or educations for 15 or more unrelated children. In addition to these regulations, Child Care Homes shall meet all requirements of the State of Nebraska.

<u>Child Care Home</u> is an establishment other than a public or parochial school, which provides day care, play groups, nursery schools or educations for 14 or fewer unrelated children. In addition to these regulations, Child Care Home shall meet all requirements of the State of Nebraska.

<u>Clinic, Medical or Dental</u> is an organization of specializing physicians and/or dentists who have their offices in a common building. A clinic shall not include in-patient care.

<u>Club. Private</u> consists of buildings and facilities owned or operated by a corporation, association, person or persons for a social, educational or recreational purpose, but not primarily for profit which inures to any individual and not primarily to render a service which is customarily carried on as a business.

<u>Commission</u> is the Planning Commission of the City of Hickman unless the context clearly indicates otherwise.

<u>Condominium</u> is a multi-unit residence, the dwelling units of which are individually owned and the grounds and common areas of which are in joint ownership.

<u>Coverage</u> is the percentage of the lot covered by buildings and structures.

<u>District</u> is a section(s) of the zoning area for which this ordinance governing the use of the land, the height of buildings, the size of yards and the intensity of use are uniform.

<u>Drive-in Establishment</u> is a place of business being operated for the retail sale of food and other goods, services, or entertainment. It is designed to allow its patrons to be served or accommodated while remaining in their automobiles or allows the consumption of any food or non-alcoholic beverage outside any completely enclosed structures. If, in addition to the consumption of food or non-alcoholic beverages in automobiles or elsewhere on the premises outside any completely enclosed structure, an establishment also allows for the consumption of such products within a completely enclosed structure, it shall be considered a drive-in establishment. The term "drive-in establishment" shall include, but is not limited to automobile service stations, auto laundries, drive-in restaurants, diners, grills, luncheonettes, sandwich stands, snack shops, soda fountains or short order cafes, banks, and drive-in theaters.

<u>Dwelling</u>, <u>Attached</u> is one which is joined to another dwelling unit at one or more sides by a party wall or walls. Generally, such units are intended for individual ownership.

<u>Dwelling Detached</u> is one which is entirely surrounded by open space on the same lot.

<u>Dwelling, Manufactured Home</u> a factory-built structure which is to be used as a place for human habitation, which is not constructed or equipped with a permanent hitch or other device allowing it to be moved other than to a permanent site, which does not have permanently attached to its body or frame any wheels or axles, and which bears a label certifying that it was built in compliance with standards promulgated by the United States Department of Housing and Urban Development.

<u>Dwelling, Mobile Home</u> any prefabricated structure, composed of one or more parts, used for living and sleeping purposes, shipped or moved in essentially a complete condition and mounted on wheels, skids or roller, jacks blocks, horses, skirting or a permanent or temporary foundation or any prefabricated structure which has been or reasonably can be equipped with wheels or other devices for transporting the structure from place to place, whether by motive power or other means. The term mobile home shall include trailer home and camp car, but the definition shall not apply to any vehicle lawfully operated upon fixed rails.

- 1) <u>Permanently Attached:</u> Attached to real estate in such a way as to require dismantling, cutting away, unbolting from permanent continuous foundation or structural change in such mobile home in order to relocate it on another site.
- 2) <u>Permanent Foundation:</u> Based on which building rests to be constructed from either poured concrete or laid masonry block or brick on a footing to be placed a minimum of 42" below the final ground level.

<u>Dwelling, Modular</u> is considered a conventional type single-family dwelling. Any prefabricated structure, used for dwelling purposes moved on to a site essentially complete constructed condition, in one or more parts and when completed is a single family unit on a permanent foundation, attached to the foundation with permanent connections. To be a modular home it

shall meet or be equivalent to the construction criteria as defined by the Nebraska State Department of Health under the authority granted by Section 17-1555 through 17-1567 Revised Statutes of Nebraska 1943, 2nd any amendments thereto, that do not meet the above criteria shall be considered a mobile home.

<u>Dwelling</u>, <u>Multiple-Family</u> is a building or portion thereof, containing three (3) or more dwelling units.

<u>Dwelling</u>, <u>Single Family</u> a building having accommodations for or occupied exclusively by one family, excluding mobile homes but including manufactured homes which meet all of the following standards:

- 1) The home shall have no less than nine hundred (900) square feet of floor area;
- 2) The home shall have no less than an eighteen (18) foot exterior width;
- 3) The roof shall be pitched with a minimum vertical rise of two and one-half (2) ½) inches for each twelve (12) inches of horizontal run;
- 4) The exterior material shall be of a color, material and scale comparable with those existing in residential site-built, single-family construction;
- 5) The home shall have a nonreflective roof material which is or simulates asphalt or wood shingles, tile, or rock;
- 6) The home shall be placed on a permanent continuous foundation and have wheels, axles, transporting lights, and removable towing apparatus removed, and;
- 7) the home shall meet and maintain the same standards that are uniformly applied to all single-family dwellings in the zoning district.

<u>Dwelling: Town-House</u> is one of a group or row of not less than three nor more than twelve attached, single-family dwellings designed and built as a single structure facing upon a street or place and in which the individual town-houses may or may not be owned separately. For the purpose of the side yard regulations, the structure containing the town-or group of town-houses shall be considered as one building occupying a single lot.

Dwelling, Two-Family is a building containing two (2) dwelling units.

<u>Dwelling Unit</u> consists of one or more rooms which are arranged, designed or used as separate living quarters by a single family, or other group of persons living together as a household or a person living alone. Individual bathrooms and complete kitchen facilities, permanently installed, shall always be included for each "dwelling unit".

<u>Family</u> One (1) or more persons occupying a single dwelling unit, provided, that all members are related by blood, marriage, or adoption, and living as a single housekeeping unit. A family may include, in addition, not more than three people who are unrelated, but provided further that domestic servants employed on the premises may be housed on the premises without being counted as a family or families.

Farming is the growing of farm products such as grain, and their storage, as well as the raising of farm poultry and farm animals. Farming shall not include the operation of a commercial feedlot.

<u>Feedlot or Feed Yard, Commercial</u> shall mean a place where the principal business is the feeding of one hundred or more head of livestock and such feeding is not done as a subordinate activity to the production of crops on the premises of which the feedlot is a part. All such operations shall be conducted in conformance with all applicable state and federal regulations.

<u>Floodplain</u> is that area of land adjoining a watercourse or other body of water which has been or may be hereafter covered by floodwater and which has been designated by the Nebraska Natural Resources Commission, Nebraska Department of Water Resources, or the Federal Emergency Management Agency.

<u>Flood Proofing</u> is a combination of structural provisions, changes, or adjustments to properties and structures subject to flooding, intended primarily for the reduction or elimination of flood damages to properties, water and sanitary facilities, structures, and contents of buildings in a flood hazard area.

<u>Floodway</u> is the channel of the stream or body of water and those portions of the adjoining floodplains designated by the Nebraska Natural Resources Commission, Nebraska Department of Water Resources or the Federal Emergency Management Agency as necessary to carry and discharge the floodwater flow of any such river, stream, or other body of water.

<u>Floor Area</u> is the total number of square feet of floor space within the exterior walls of a building, not including storage space in cellar or basements and not including space used for the parking of automobiles.

<u>Frontage</u> is all the property on one side of a street between two intersecting streets (crossing or terminating) measured along the property line of the street, or if the street is dead ended, then all of the property abutting on one side between an intersecting street and the dead end of the street.

Grade (a) For buildings having walls adjoining one street only, the elevation of the sidewalks at the center of the wall adjoining the street. (b) For buildings having walls adjoining more than one street, the average of the elevation of the sidewalk at the center of all walls adjoining the streets. (c) For buildings having no wall adjoining the street, the average level of the finished surface of the ground adjacent to the exterior walls of the building. Any wall approximately parallel to and not more than five feet from a street line is to be considered as adjoining the street and where no sidewalk exists the sidewalk grade shall be established by the department of public works and utilities.

Home Occupation is any occupation or activity carried on by a member of the family residing on the premises, in connection with which (1) there is no sign other than a non-lighted and non-reflecting name plate not more than two (2) square foot in area, which may designate the home occupation carried on within, in letters not to exceed two inches in height, and must be attached to the building wherein the home occupation is conducted; (2) there is no commodity sold upon the premises, except that which is prepared on the premises in connection with or is incidental and subordinate to such occupation or activity; (3) there is no person employed other than a

member of the family residing on the premises; (4) there is no mechanical equipment used except of a type that is similar in character to that customarily found in the home; and (5) no traffic shall be generated by such home occupation in greater volumes than would be normally generated in the neighborhood.

<u>Hotel</u> is a building in which lodging or boarding and lodging are provided for more than 20 persons, primarily transient, and offered to the public for compensation and in which ingress and egress to and from all rooms is made through an inside lobby or office supervised by a person in charge at all hours. A hotel may include restaurants, taverns, or club rooms, public banquet halls, ballrooms, and meeting rooms.

<u>Institution</u> is a non-profit corporation or a non-profit establishment for public use.

<u>Junk (or Salvage Yard)</u> is an area where waste or scrap materials (including, but not limited to, scrap iron and other metals, paper, rags, rubber tires, and bottles) are brought, sold, exchanged, stored, baled, packed, disassembled, or handled. A "junk or salvage yard" includes an auto wrecking yard, but does not include uses established and operated entirely within enclosed buildings.

<u>Kennel</u>, <u>Commercial</u> is any place where more than two adult pets are kept for boarding or other fee, or any place where more than five dogs or cats or any combination thereof over 12 months old are kept for any purpose.

<u>Lawful</u> Not in conflict with any laws, ordinances, or statutes existing at the time of the enactment of this Ordinance.

<u>Loading Space or Loading Berth</u> is a space within the main building or on the same lot which provides for the standing, loading, or unloading of trucks and which has a minimum dimension of 12 by 45 feet and a vertical clearance of at least 15 feet.

<u>Lodging Room</u> is a room rented as sleeping and living quarters, but without cooking facilities and with or without an individual bathroom. In a suite of rooms without cooking facilities, each room which provides sleeping accommodations shall be counted as one "lodging room" for the purposes of this Ordinance.

<u>Lot</u> a parcel, lot or portions of lots of record occupied by or intended to be occupied by a use permitted by this ordinance and its accessory buildings and including the open spaces and parking required under this Ordinance.

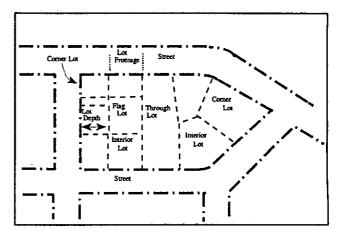
<u>Lot Area</u>, <u>Gross</u> is the area of a horizontal plane bounded by the front, side, and rear lot lines, but not including any area occupied by the waters of a lake or river.

<u>Lot. Corner</u> is a lot situated at the intersection of two (2) or more streets, the interior angle of such intersection not exceeding 135 degrees. The front of such lot shall be the shortest of the two sides fronting on streets.

<u>Lot</u>, <u>Coverage</u> is the total lot area covered by buildings or structures.

<u>Lot Depth</u> is the average horizontal distance between the front line and the rear lot line of a lot, measured within the lot boundaries.

<u>Lot</u>, <u>Double Frontage</u> is a lot having a pair of opposite lot lines along two (2) more or less parallel public streets, and which is not a corner lot. On a 'double frontage lot", both street lines shall be deemed front lot lines.



<u>Lot Line, Front</u> shall be that boundary of a lot which is along an existing or dedicated public street or, where no public street exists, is along a public or private way as designated.

Lot Line, Rear shall be any boundary of a lot which is not a front lot or a side lot line.

<u>Lot Line</u>, <u>Side</u> shall be any boundary of a lot which is not a front lot or a rear lot line.

<u>Lot of Record</u> is a lot which is part of a subdivision which has been legally recorded in the office of the register of deeds of Lancaster County at the time of the passage of this title.

Lot Width is the average horizontal distance between the side lot lines of a lot.

<u>Motel, Motor Court, Motor Hotel, Lodge, or Inn</u> is the same as Hotel except it is designed to accommodate any number of guests, the building or buildings are designed primarily to serve tourists traveling by automobile, and ingress or egress to rooms need not be through a lobby or office.

<u>Non-conforming Building or Structure</u> is any building or structure which, when constructed, was lawful, but currently:

- 1) Either does not comply with all of the regulations of this Ordinance or with any amendment hereto governing bulk for the zoning district in which such building or structure is located.
- 2) Or is designed or intended for a non-conforming use.

Non-conforming Lot is a recorded lot, lawful at the time of the enactment of this Ordinance which does not conform to the minimum area, yard or frontage requirements of the district in which it is located.

<u>Non-conforming Use</u> an existing use of a structure or land which does not comply in some respect with the use regulations applicable to new uses in the zoning district in which it is located.

<u>Open Space</u> is any land developed as yards, parks, landscaped green area, and recreational areas including community centers, and is exclusive of areas developed for off-street parking.

<u>Parking Lot</u> is an area consisting of one or more parking spaces for motor vehicles together with a driveway connecting the parking area with a street or alley and permitting ingress and egress for motor vehicles.

<u>Parking Space</u> is an area, enclosed or unenclosed sufficient in size to store one motor vehicle, together with a driveway connecting the parking space with a street or alley and permitting ingress and egress of an motor vehicle.

<u>Premises</u> is a lot, together with all buildings and structures thereon.

<u>Professional Services</u> are services provided by physicians, surgeons, chiropractors, osteopaths, physical therapists, dentists, architects, engineers, lawyers, and accountants.

<u>Public Way</u> is any sidewalk, street, alley, highway, easement, or other public thoroughfare.

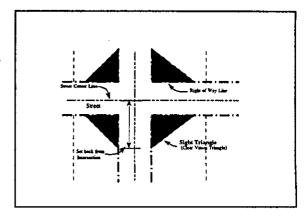
<u>Rest Home, Nursing Home, or Convalescent Home</u> is a facility for the care of children or the aged or infirm, or a place of rest for those suffering bodily disorders. Such facility does not contain equipment for surgical care or for the treatment of disease or injury, and is subject to applicable state requirements.

<u>Roadside Stand</u> is a structure for the display and sale of products on a temporary or seasonal basis.

<u>Service Station</u> is any building, structure, or land used for the dispensing, sale, or offering for sale at retail of any automobile fuels, oils, or accessories, including lubricating or washing of automobiles and replacement or installation of minor parts and accessories, but not including major repair work such as motor re-building, body and fender repair or spray painting, but including temporary storage of wrecked, inoperable, or unlicensed vehicles outside a screened and enclosed area for more than ten days.

<u>Sight Triangle</u> is the triangular-shaped portion of land established at street intersections in which nothing is erected, placed, planted, or allowed to grow in such a manner as to limit or obstruct the sight distance of motorists entering or leaving the intersection. Also known as Sight Easement or Clear Vision Triangle.

<u>Sign</u> Any device designed to inform or attract the attention of persons not on the premises on which the sign is located, provided, however, that the following shall not be included in the application of the regulations herein:



- 1) Signs not exceeding one (1) square foot in area and bearing only property numbers, post box numbers, names of occupants of premises, or other identification of premises not having commercial connotations;
- 2) Flags and insignia of any government except when displayed in connection with commercial promotion;
- 3) Legal notices: Identification, informational, or directional signs erected or required by governmental bodies;
- 4) Integral decorative or architectural features of buildings, except letters, trademarks, moving parts, or moving lights;
- 5) Signs directing and guiding traffic and parking on private property, but bearing no advertising matter.

<u>Sign, Business</u> is a sign which directs attention to a business or profession conducted, or to a commodity, service, or entertainment sold or offered, upon the premises where such sign is located or to which it is affixed.

<u>Sign, Flashing</u> is any illuminated sign on which the artificial light is not maintained stationary or constant in intensity and color at all times when such sign is in use. For the purpose of this Ordinance, and moving, illuminated sign shall be considered a "flashing sign".

<u>Sign, Gross Area of</u> shall be the entire area within a single continuous perimeter enclosing the extreme limits of such sign and in no case passing through or between any adjacent elements of same.

<u>Special Use - Permits</u> A use that would not be appropriate generally or without restriction throughout the zoning district, but which, if controlled as to design, number, area, location or relation to the neighborhood, could contribute to the public health, safety, welfare, morals, order, comfort, convenience, appearance, prosperity, or general welfare. Such uses may be permitted in such zoning district if specific provision for such special exception is made in this Ordinance.

<u>Story</u> is that portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above. If the

finished floor level directly above a basement or cellar is more than six feet above grade and more than fifty percent (50%) of that total perimeter, or is more than 12' above grade at any point, then such basement or cellar shall be considered a story.

<u>Street</u> is a public or private way set aside for public travel that is more than twenty (20) feet in width. The word "street" shall include the words "road", "highway", and "thoroughfare".

<u>Street, Center Line</u> The center line of the surveyed street right-of-way.

Street Line is the dividing line between a lot, tract or parcel of land and a contiguous street.

<u>Structure</u> is anything constructed or erected, other than a fence or retaining wall, which requires location on or in the ground or is attached to something having a location on the ground, including but not limited to, advertising signs, billboards, posterboards, patios, swimming pools, and mobile homes.

<u>Structural Alterations</u> consist of any change in the supporting members of a building, including, but not limited to bearing walls or partitions, columns, beams or girders, or any substantial change in the roof or in the exterior walls.

<u>Subdivision</u> means the division of a lot, tract, or parcel of land into two or more lots, plats, sites, or other divisions of land for the purpose, whether immediate or future, of sale or of building development. It includes re-subdivision and, when appropriate to the context, relates to the process of re-subdividing or to the land or territory subdivide.

<u>Total Floor Area</u> is the area of all floors including finished attics, basements, and other areas where floor to ceiling height is not less than six (6) feet.

<u>Tract</u> is any parcel, lot area or piece of property in or within one mile of the corporate limits of Hickman, Nebraska.

<u>Trailer Camp</u> is any site, lot, parcel or tract of land which is improved, used, or intended to provide a location for the servicing or temporary accommodation of one or more trailers which are used for travel, camping, or recreational purposes.

<u>Use</u> of property is the purpose or activity for which the land or building thereon is designed, arranged, or intended, or for which it is occupied or maintained.

<u>Use, Accessory</u> is a structure detached from the principle building, located on the same lot and incidental and subordinate in use and size to the principle building or use.

<u>Use</u>, <u>Permitted</u> is a use which may be lawfully established in a particular district or districts provided it conforms with all requirements, regulations, and standards of such district.

<u>Use, Principal</u> is the main use of land or buildings as distinguished from a subordinate or accessory use. A "principal use" may be "permitted" or "special".

<u>Use, Special</u> is a use that may be authorized where conditions on use, design and operation are approved by the city.

<u>Variance</u> A variance is a relaxation of the terms of the Zoning Ordinance where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of the Ordinance would result in unnecessary and undue hardship. As used in this Ordinance, a variance is authorized only for height, area, and size of structure or size of yards and open spaces; establishment or expansion of a use otherwise prohibited shall not be allowed by variance, nor shall a variance be granted because of the presence of non-conformities in the zoning district or uses in an adjoining zoning district.

<u>Yard</u> is an open space on the same lot with a building or structure, unoccupied and unobstructed from the ground to the sky, except as otherwise permitted in this Ordinance. A "yard" extends along a lot line, and to a depth or width specified in the yard requirements for the zoning district in which such zoning lot is located.

<u>Yard, Front</u> is a yard extending across the front of the lot between the side lot lines, said depth being the minimum required horizontal distance between the street line and the principal building

<u>Yard, Rear</u> is a yard extending across the rear of a lot measured between the side lot lines, said depth being the minimum horizontal

Rear Yard
Setback
Side Yard
Side Yard
Front Yard Setback
Street (Right of Way)

distance between the rear lot line and the rear of the principal building.

<u>Yard, Side</u> is a yard between the main building and the side line of the lot being the minimum horizontal distance between the building and side lot line, and extending from the front yard line to the rear yard line.

<u>Zoning Administrator</u> is the person appointed by the City Council and designated as the Official responsible for enforcing and administering all requirements of the City of Hickman Zoning Ordinance.

<u>Zoning Permit</u> is a written statement issued by the zoning administrator authorizing buildings, structures, or uses in accordance with the provisions of this Ordinance.

ARTICLE 3: ZONING DISTRICTS AND OFFICIAL MAP

Section 1: Districts.

In order to regulate and restrict the height, location, size and type of buildings, structures and uses allowed on land in the city and the area within one mile of the corporate boundaries, the city is hereby divided into districts.

Section 2: Provision for Official Zoning Map.

- 2.01 The City is hereby divided into districts, as shown on the Official Zoning Map, which, together with all explanatory matter thereon, is hereby adopted by reference and declared to be a part of this Ordinance. The Official Zoning Map shall be identified by the signature of the Mayor, attested by the City Clerk, and bearing the seal of the City under the following words: "This is to certify that this is the Official Zoning Map referred to in Section 2 of Ordinance No. 98-2 of the City of Hickman, Nebraska", together with the date of the adoption of this Ordinance.
 - If, in accordance with the provisions of this Ordinance, changes are made in the district boundaries or other matter portrayed on the Official Zoning Map, such changes shall be entered on the Official Zoning Map promptly after the amendment has been approved by the City Council.
- 2.02 In the event that the Official Zoning Map becomes damaged, destroyed, lost or difficult to interpret because of the nature or number of changes and additions, the City Council may by resolution adopt a new Official Zoning Map. The new Official Zoning Map may correct drafting or other errors or omissions in the prior Official Zoning Map, but no such correction shall have the effect of amending the original Official Zoning Map or any subsequent amendment thereof. The new Official Zoning Map shall be identified by the signature of the Mayor attested by the City Clerk and bearing the seal of the City under the following words: "This is to certify that this Official Zoning Map supersedes and replaces the Official Zoning Map adopted [date of adoption of map being replaced as part of Ordinance No. 98-2 of the City of Hickman Nebraska."

Unless the prior Official Zoning Map has been lost, or has been totally destroyed, the prior map or any significant parts thereof remaining, shall be preserved, together with all available records pertaining to its adoption or amendment.

Section 3: Rules for Interpretation of District Boundaries.

Where uncertainty exists as to the boundaries of districts as shown on the Official Zoning Map, the following rules shall apply:

- 3.01 Boundaries indicated as approximately following the center lines of streets, highways, or alleys shall be construed to follow such center lines;
- 3.02 Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines;

- 3.03 Boundaries indicated as approximately following city limits shall be construed as following such city limits;
- 3.04 Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks;
- 3.05 Boundaries indicated as following shore lines shall be construed to follow such shore lines, and in the event of change in the shore line shall be construed as moving with the actual shore line; boundaries indicated as approximately following the center lines of streams, rivers, canals, lakes, or other bodies of water shall be construed to follow such center lines;
- 3.06 Boundaries indicated as parallel to or extensions of features indicated in subsections 3.01 3.05 above shall be so construed. Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the map;
- 3.07 Where physical or cultural features existing on the ground are at variance with those shown on the Official Zoning Map, or in other circumstances not covered by subsections 3.01 3.06 above, the Board of Zoning Adjustment shall interpret the district boundaries;
- 3.08 Where a district boundary line divides a lot which was in single ownership at the time of passage of this Ordinance, The Board of Zoning Adjustment may permit the extension of the regulations for either portion of the lot not to exceed fifty (50) feet beyond the district line into the remaining portion of the lot.

Section 4: Classification of Districts Upon Annexation and Conformance with Land Use Plan. Areas annexed into the corporate limits of Hickman shall be zoned to conform with the Land Use Plan.

ARTICLE 4: GENERAL PROVISIONS

Section 1: Planning Commission Recommendations.

Pursuant to Section 19-901 et. seq., (Nebraska Reissue Revised Statutes, 1943), it shall be the purpose of the Planning Commission to recommend the boundaries of the various original districts and appropriate regulations to be enforced therein.

The Commission shall make a preliminary report and hold public hearings thereon before submitting its final report, and the City Council shall not hold its public hearings or take action until it has received the final report of the Commission.

Section 2: District Regulations, Restrictions, Boundary Creation.

No such regulation, restriction, or boundary shall become effective until after a public hearing in relation thereto, at which parties in interest and citizens shall have an opportunity to be heard. Notice of the time and place of such hearings shall be given by publication thereof in a paper of general circulation in the City at least one (1) time ten (10) days prior to such hearing.

Section 3: Jurisdiction.

The provisions of this Ordinance shall apply within the corporate limits of the City of Hickman, Nebraska, and within the territory beyond said corporate limits as now or hereafter fixed, for a distance of one (1) mile in all directions, as established on the map entitled "The Official Zoning Map of the City of Hickman, Nebraska", and as may be amended by subsequent annexation.

Section 4: Provisions of Ordinance Declared to be Minimum Requirements.

In their interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements, adopted for the promotion of the public health, safety, morals, or general welfare. Whenever the provisions of this Ordinance require a lower height of building or lesser size of yards, courts or other spaces, or require a lower height of building or lesser number of stories, or require a greater percentage of lot to be left unoccupied, or impose other higher standards than are required in any other ordinance, the provisions of this Ordinance shall govern. In case of conflict between provisions of this ordinance with any other provision, the more restrictive condition shall apply. Wherever the provisions of any other statute or local ordinance or regulations require a greater width or size of yards, courts, or other open spaces, or requires a lower height of building or a lesser number of stories, or require a greater percentage of lot to be left unoccupied, or impose other higher standards than are required by the provisions of this Ordinance, the provisions of such ordinance shall govern.

Section 5: Zoning Affects Every Building and Use.

No building or land shall hereafter be reused and no building or part thereof shall be erected, moved or altered unless for a use expressly permitted by and in conformity with the regulations herein specified for the district in which it is located, except that any structure damaged or destroyed may be restored if such structure does not involve a non-conforming use.

Section 6: Lot.

- 6.01 Every building hereafter erected, reconstructed, converted, moved or structurally altered shall be located on a lot or lot of record and in no case shall there be more than one (1) principal building on a lot unless otherwise provided.
- 6.02 More than one principal building of a single permitted use may be located upon a lot or tract in the following instances if recommended by the Planning Commission and approved by the City Council.
 - A. Institutional buildings
 - B. Public or semi-public buildings
 - C. Multiple-family dwellings
 - D. Commercial or industrial buildings
 - E. Home for the aged
 - F. Agricultural buildings

Section 7: Reductions in Lot Area Prohibited.

No lot, even though it may consist of one (1) or more adjacent lots of record, shall be reduced in area so that yards, lot area per family, lot width, building area, or other requirements of this Ordinance are not maintained. This section shall not apply when a portion of a lot is acquired for a public purpose.

Section 8: Corner Lots.

- 8.01 Side yards: On corner lots, the yard(s) on that side of the lot abutting the side street(s) shall not be less than the front yard required for the district in which the lot is located. Accessory buildings on the side(s) of the lot abutting the side street(s) shall not be closer to the lot line abutting on that side street(s) than the distance specified for front yards of lots fronting on such side street.
- 8.02 Clear Vision Triangle: In all districts except Commercial Business, on a corner lot, within the sight triangle formed by the center line of streets at a distance of ninety (90) feet from their intersections, there shall be no obstruction to vision between a height of three and one-half (3 1/2) feet and a height of ten (10) feet above the average grade of each street at the center line thereof. The requirements of this section shall not be deemed to prohibit any necessary retaining wall.

Section 9: Yard Requirements.

9.01 Yard requirements shall be set forth under the Schedule of Lot, Yard, and Bulk Requirements for each zoning district. Front, side and rear yards shall be provided in accordance with the regulations hereinafter indicated and shall be unobstructed from the ground level to the sky, except as herein permitted.

- 9.02 All accessory buildings which are attached to principal buildings (e.g., attached garages) shall comply with the yard requirements of the principal building, unless otherwise specified.
- 9.03 The City Council may permit a variation in front yard setbacks to allow new or relocated structures to conform to the average existing setback provided that (1) more than thirty (30) percent of the frontage on one side of a street between intersecting streets is occupied by structures on the effective date of this Ordinance, and (2) a minority of such structures have observed or conformed to an average setback line with a variation of no more than six (6) feet.
- 9.04 Any side or rear yard in a residential district which is adjacent to any existing industrial or commercial use shall be no less than twenty-five (25) feet and shall contain landscaping and planting suitable to provide effective screening.

Section 10: Drainage.

No building, structure, or use shall be erected on any land, and no change shall be made in the existing contours of any land, including any change in the course, width, or elevation of any natural or other drainage channel, that will obstruct, interfere with, or substantially change the drainage from such land to the detriment of neighboring lands. Anyone desiring to build or otherwise change the existing drainage situation shall be responsible for providing to the City or their designated agent that such changes will not be a detriment to the neighboring lands.

Section 11: Permitted Obstructions in Required Yards.

The following shall not be considered to be obstructions when located in the required yards:

- 11.01 All Yards. Open or screened porches, platforms or terraces not over three (3) feet above the average level of the adjoining ground, including a permanently roofed-over terrace or porch; awnings and canopies provided they do not extend or project into the yard more than six (6) feet; steps four (4) feet or less above grade which are necessary for access to a permitted building or for access to a lot from a street or alley; chimneys projecting twenty-four (24) inches or less into the yard; recreational and laundry-drying equipment; approved freestanding signs; arbors and trellises; flag poles; window unit air conditioners projecting not more than eighteen (18) inches into the required yard; and fences or walls subject to applicable height restrictions are permitted in all yards.
- 11.02 Front Yards. Bay windows projecting three (3) feet or less into the yards; and overhanging eaves and gutters projecting three (3) feet or less into the yard are permitted.
- 11.03 Rear and Side Yards. Open off-street parking spaces, balconies or outside elements of central air conditioning systems, extending not more than four (4) feet into the yard; breezeways and open porches; bay windows projecting three (3) feet or less into the yard; and overhanging eaves and gutters projecting three (3) feet or less into the yard are permitted.
- 11.04 Double Frontage Lots. The required front yard shall be provided on each street.

11.05 Building Groupings. For the purpose of the side yard regulation a group of business or industrial buildings separated by a common party wall shall be considered as one (1) building occupying one (1) lot.

Section 12: Accessory Building and Uses.

- 12.01 No accessory building shall be constructed upon a lot for more than six (6) months prior to beginning construction of the principal building. No accessory building shall be used for more than six (6) months unless the main building on the lot is also being used or unless the main building is under construction; however, in no event shall such building be used as a dwelling unless a certificate of occupancy shall have been issued for such use.
- 12.02 No detached accessory building or structure shall exceed the maximum permitted height of the principal building or structure.
- 12.03 No accessory building shall be erected in or encroach upon the required side yard on a corner lot or the front yard of a double frontage lot.
- 12.04 Detached accessory buildings or structures shall be located no closer to any other accessory or principal building than ten (10) feet.
- 12.05 Regulation of accessory uses shall be as follows:
 - Except as herein provided, no accessory building shall project beyond a required yard line along any street.
 - Service station pumps and pump island may occupy the required yards, provided, however, that they are not less than fifteen (15) feet from street lines.
 - Parking or Storage of an unlicensed boat, trailer, recreational camper, or other unlicensed vehicle shall not be permitted in any required yard unless otherwise provided for in these Regulations.

Section 13: Bulk Regulations.

The maintenance of yards and other open space and minimum lot area legally required for a building shall be a continuing obligation of the owner of such building or of the property on which it is located, as long as the building is in existence. Furthermore, no legally required yards, other open space, or minimum lot area allocated to any building shall by virtue or change of ownership or for any other reason, be used to satisfy yard, other open space, or minimum lot area requirements for any other building.

Section 14: Permitted Modifications of Height Regulations.

The height limitations of this Ordinance shall not apply to: 14.01

> -Belfries -Chimneys -Church Spires

-Ornamental Towers and Spires -Stage Towers or Scenery Lots

-Commercial Radio and Television

-Conveyors

Towers less than 125 feet in height

-Cooling Towers

-Silos

-Elevator Bulkheads

-Smoke Stacks

-Fire Towers

-Tanks

-Water Towers and Standpipes

-Air-Pollution Prevention Devices

-Flag Poles

-Other Similar Structures Approved by the

-Public Monuments

City Clerk/Zoning Administrator

14.02 When permitted in district, public or semi-public service buildings, hospitals, institutions, or schools may be erected to a height not exceeding seventy-five (75) feet when each required yard line is increased by at least one (1) foot of additional building height above the height regulations for the district in which the building is located.

<u>Section 15: Regulations for Unique Uses — Fences and Wall Hedges.</u>

Except as provided in Section 4.11 of this article, fences, wall hedges or shrubbery may be erected, placed, maintained, or grown along a lot line to a height not exceeding six (6) feet above the ground level, except that no such fence, wall hedge, or shrubbery which is located in a required front or corner side yard shall exceed a height of three (3) feet.

Section 16: Occupancy of Basements and Cellars.

No basement or cellar shall be occupied for residential purposes until the remainder of the building has been substantially completed.

Section 17: Non-Conforming, General Intent.

It is the intent of this ordinance to permit lawful non-conformities to continue until they are removed, but not encourage their survival. Such uses are declared by this ordinance to be incompatible with permitted uses in the districts involved. It is further the intent of this ordinance that non-conformities shall not be enlarged upon, expanded or extended nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district except as may be authorized in this title.

Section 18: Nonconforming Lots of Record.

In any district in which single-family dwellings are permitted, notwithstanding limitations imposed by other provision of this ordinance, a single-family dwelling and customary accessory buildings may be erected on any single lot of record at the effective date of adoption or amendment of this Ordinance. This provision shall apply even though such lot fails to meet the requirements for area or width, or both that are generally applicable in the district provided that the yard dimensions and other requirements not involving area or width, or both, of the lot shall conform to the regulations for the district in which such lot is located; that such lot has been owned separately and individually from adjoining tracts of land at a time when the creation of a lot of such size and width at such location would have been lawful; and has remained in separate and individual ownership from adjoining lots or tracts of land continuously during the entire period in which this or previous Ordinance would have

- prohibited creation of such lot. Variance of area, width and yard requirements shall be obtained only through action of the Board of Adjustment.
- 18.02 In any district a lot boundary may be altered as long as a new nonconforming lot is not created. Existing lots that conform to the appropriate zoning district may not be reduced below minimum requirements as so stated in this Ordinance.
- 18.02 In the Transitional Agriculture District, two (2) or more adjoining lots, all of which do not meet the area, width or frontage requirements, or any combination thereof, of the district in which they are situated, may alter their common lot lines without affecting the purpose for which they may be used; provided:
 - A. That such alteration does not result in the creation of a lot which does not meet the minimum standards for water and sanitary sewage disposal systems as required by applicable state, county and city regulations; and
 - B. That such alteration meets all requirements set forth in the adopted Subdivision Regulations of the City of Hickman.

Section 19: Nonconforming Structures.

- 19.01 Authority to continue: Any structure which is devoted to a use which is permitted in the zoning district in which it is located, but which is located on a lot which does not comply with the applicable lot size requirements and/or the applicable bulk regulations, may be continued, so long as it remains otherwise lawful, subject to the restrictions of this section.
- 19.02 Enlargement, Repair, Alterations: Any such structure described in sub-section 19.01 may be enlarged, maintained, repaired or remodeled, provided, however, that no such enlargement, maintenance, repair or remodeling shall either create any additional nonconformity or increase the degree of existing nonconformity of all or any part of such structure, except that as to structures located on a lot that does not comply with the applicable lot size requirements, the side yard requirements shall be in conformance with this section, or as otherwise permitted by special permit.
- 19.03 Damage or Destruction: In the event that any structure described in sub-section 19.01 is damaged or destroyed, by any means, to the extent of more than fifty percent (50%) of its structural value, such structure shall not be restored unless it shall thereafter conform to the regulations for the zoning district in which it is located; provided that structures located on a lot that does not comply with the applicable lot size requirements in Section 4.18, whichever is applicable. When a structure is damaged to the extent of fifty percent (50%) or less, no repairs or restoration shall be made unless a building permit is obtained and restoration is actually begun within one year after the date of such partial destruction and is diligently pursued to completion.
- 19.04 *Moving:* No structure shall be moved in whole or in part for any distance whatever, to any other location on the same or any other lot unless the entire structure shall thereafter conform to the regulations of the zoning district in which it is located after being moved.

Section 20: Nonconforming Uses.

- 20.01 Nonconforming Uses of Land: Where at the effective date of adoption or amendment of this Ordinance, lawful use of land exists that is made no longer permissible under the terms of this Ordinance as enacted or amended, such use may be continued so long as it remains otherwise lawful, subject to the following provisions:
 - A. No such nonconforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this Ordinance;
 - B. No such nonconforming use shall be moved in whole or in part to any other portion of the lot or parcel occupied by such use at the effective date of adoption or amendment of this Ordinance.
 - C. If any such nonconforming use of land ceases for any reason for a period of more than twelve (12) months, any subsequent use of such land shall conform to the regulations specified by this Ordinance for the district in which such land is located.
- 20.02 Nonconforming Uses of Structures: If a lawful use of a structure, or of structure and premises in combination, exists at the effective date of adoption or amendment of this ordinance, that would not be allowed in the district under the terms of this ordinance the lawful use may be continued so long as it remains otherwise lawful subject to the following provisions:
 - A. No existing structure devoted to a use not permitted by this ordinance in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved or structurally altered except in changing the use of the structure to use permitted in the district in which it is located;
 - B. Any nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the time of adoption or amendment of this ordinance but no such use shall be extended to occupy any land outside such building;
 - C. If no structural alterations are made, any nonconforming use of a structure or structure and premises may be changed to another nonconforming use provided that the board of adjustment either by general rule or by making findings in the specific case, shall find that the proposed use is equally appropriate or more appropriate to the district than the existing nonconforming use. In permitting such change, the board of adjustment may require appropriate conditions and safeguard in accord with the provisions of this ordinance;
 - D. Any structure, or structure and land in combination, in or on which a nonconforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district in which such structure is located and the nonconforming use may not thereafter be resumed;
 - E. When a nonconforming use of a structure or structure and premises in combination is discontinued or abandoned for twelve (12) months, the structure or structure and premises in combination shall not thereafter be used except in

- conformance with the regulations of the district in which it is located;
- F. Where nonconforming use status is applied to a structure and premises, in combination, removal or destruction of the structure shall eliminate the nonconforming status of the land.

Section 21: Repairs and Maintenance.

- On any building devoted in whole or in part to any nonconforming use, work may be done in any period of twelve (12) consecutive months on ordinary repairs or on repair or replacement of non-bearing walls, fixtures, wiring or plumbing provided that the cubic content of the building as it existed at the time of passage of amendment of this ordinance shall not be increased.
- 21.02 Nothing in this ordinance shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.

Section 22: Uses under Special Permit not Nonconforming Uses.

Any use for which a special permit is issued as provided in this ordinance shall not be deemed a nonconforming use, but shall without further action be deemed a conforming use in such district.

ARTICLE 5: ZONING DISTRICTS

Section 1: TA Transitional Agriculture District

1.01 Intent. The Transitional Agriculture District is established for the purpose of preserving agricultural resources that are compatible with adjacent urban growth. It is not intended for commercial feedlot operations for livestock or poultry. Because the areas are not in the identified growth areas for the community, the district is designed to limit urban sprawl.

1.02 Permitted Uses.

- A. Agricultural farms, truck gardens, greenhouses, pasture, plant nurseries, orchards, apiaries, mushroom barns, grain storage facilities, and the usual agricultural farm buildings and structures.
- B. Farm dwellings for the owners and their families, tenants, and employees.
- C. Public parks and recreation areas, playgrounds and conservation areas including flood control facilities.
- D. Railroads, not including switching, terminal facilities or freight yards.
- E. Public overhead and underground local distribution utilities.
- F. Single family dwelling.

1.03 Permitted Special Uses:

- A. Overhead and underground utility main transmission lines including water, power, telephone, gas, fuel lines; substations; terminal facilities; and reservoirs.
- B. Radio, television and communication towers and transmitters.
- C. Cemeteries, provided all structures are located at least one hundred (100) feet from all property lines.
- D. Wastewater treatment facilities.
- E. Private recreation areas and facilities including country clubs, golf courses (but not miniature golf), and swimming pools.
- F. Public and private schools and colleges.

1.04 Permitted Accessory Uses:

- A. Buildings and uses customarily incidental to the permitted uses.
- B. Temporary buildings incidental to construction work where such buildings or structures are removed upon completion of work.
- C. Home occupations.
- D. Signs as provided for in Article 7.
- E. Parking as provided for in Article 7.

1.05 Height and Lot Requirements: The height and minimum lot requirements shall be as follows:

	T -4 4	Lot	Front	Side	Rear	Max	Max Lot
	Lot Area	<u>Width</u>	<u>Yard</u>	<u>Yard</u>	<u>Yard</u>	<u>Height</u>	<u>Coverage</u>
Permitted Uses	40 Acres	500′	70′	25′	50′	65'	10%
Accessory Buildings			100'	15'	15′	15'	5%1

Total not to exceed 1,500 sq. ft. for non-agricultural uses where total lot coverage of all structures does not exceed 10%.

Section 2: RE Residential Estates

2.01 Intent. The Residential Estates District is intended to provide for large lot residential and compatible uses while maintaining reserve land for planned expansion of intense urban development; to facilitate planned extension of municipal services; and to permit residential use of land where, because of forests, unstable land, or other natural land features, intensive development is not in the best public interest.

2.02 Permitted Principal Uses:

- A. Single family dwellings.
- B. Horticulture and orchards.
- C. Publicly owned and operated buildings including, fire stations, libraries, community centers, auditoriums and museums.
- D. Public parks and recreation areas, playgrounds, forest and conservation areas, including commercial uses and campgrounds under franchise of the County or State government agencies.
- E. Public underground local distribution utilities.
- F. Railroads, not including switching, terminal buildings or freight yards.

2.03 Permitted Special Uses:

- A. Seasonal offering for sale of agriculture products produced on the premises.
- B. Churches, temples, seminaries, and covenants, including residences for pastors and teachers.
- C. Public and private schools, colleges, universities.
- D. Private recreation areas and facilities, including lakes, ponds, country clubs, golf courses, and swimming pools.
- E. Hospitals, nursing homes, and philanthropic institutions.
- F. Radio, television and communication towers and transmitters.
- G. Overhead and underground utility main transmission lines including but not limited to power, telephone, gas, fuel, or fertilizer lines, substations, terminal facilities, and reservoirs.
- H. Commercial camping areas.
- I. Cemeteries.

2.04 Accessory Uses:

- A. Buildings and uses customarily incidental to the permitted uses.
- B. Home occupation.
- C. Private swimming pools, tennis courts, and other recreational facilities in conjunction with a residence.
- D. Temporary buildings incidental to construction work where such buildings or structures are removed upon completion of work.
- E. Signs as provided for in Article 7.
- F. Parking as provided for in Article 7.

2.05 Height and Lot Requirements: The height and minimum lot requirements shall be as follows:

	Min. Area (Sq. Ft.)	Lot <u>Width</u>	Front <u>Yard</u>	Side <u>Yard</u>	Rear <u>Yard</u>	Max <u>Height</u>	Max Lot Coverage
Single Family, Dwelling	20,000	80′	35′	15'	30'	35′	20%
Other Permitted Uses	20,000	80′	35′	15'	30'	65'	20%
Accessory Buildings			50′	8′	10'	15'	10%1

Total not to exceed 900 sq. ft. for residential uses; provided the total lot coverage of all buildings does not exceed 30%.

Section 3: UDO - Urban Development Overlay District

- 3.01 Intent. This district is created as an overlay to the agricultural district and any other district located outside the corporate limits but within the extraterritorial zoning district of the city. It is intended for those areas identified in the comprehensive plan as future growth areas for the city. The district allows the city to work with developers to promote zoning and subdivision options compatible with urban expansion including:
 - A. Smaller lot sizes where a common (publicly or privately operated) water and/or sewer service is planned.
 - B. Flexible land use and lot designs to protect areas with potential flood plain, forest or important visual qualities.
- 3.02 Area of Tract. The minimum area of a tract of land to be zoned with the UDO Urban Development Overlay District shall be five (5) acres. No lot shall be created prior to approval of zoning and subdivision requirements by the city.
- 3.03 General Requirements.
 - A. <u>General Provisions.</u> Within the UDO Urban Development District variations and departures from normal practice may be permitted. More than one building may be located on a lot. Buildings may be constructed on platted tracts which are smaller than the minimum district lot size requirements where provisions for common utilities and future inclusion to the city are provided. If approved by the city, buildings may be served by private roads in lieu of public streets where

perpetual maintenance is provided. Buildings may be located closer to lot lines than otherwise permitted, provided such buildings are architecturally suitable for such a relationship to adjoining property or where landscaping provides a suitable buffer. Any building or portion thereof may be owned in condominium under applicable state laws governing same.

- B. <u>Compatibility with Future Growth.</u> A development plan prepared in conformance with preliminary plat requirements shall be submitted with the request for rezoning to UDO. Such development plan shall, in addition, contain;
 - 1. easements to accommodate future proposed common or future public utilities
 - 2. siting of proposed water wells and leach fields including reserve areas, if the city does not require immediate connection to public systems; or proposed locations of community wells and waste treatment facilities to serve the subdivision until such time as the development can be connected to city services.
 - 3. Additional easements, rights-of-way and future set back lines as required by the city, that would allow lots to be further subdivided upon annexation. Such provision is intended to encourage economical integration of suburban development.
 - 4. proposed land uses and their location
- C. A Subdivision Improvements Agreement that specifies scheduling, financing and maintenance of improvements plus provisions for annexation. Such provisions shall be reviewed and receive approval from the city with the rezoning request.
- 3.04 Permitted Uses. Any permitted and accessory use allowed in the underlying zoning district or as authorized in the approved development plan. Uses not otherwise allowed in the underlying district shall be developed to minimize impacts within the overall development and on adjacent tracts. Such uses shall not exceed ten percent (10%) of the total district size.
- 3.05 Minimum Lot and Yard and Maximum Height Requirements.
 - A. Lot area requirements, height requirements, building setbacks, size of buildings, and density of dwelling units, commercial or industrial uses of the primary zoning district to which the UDO Urban Development District is attached may be amended or reduced where said revision is shown to further the purpose and intent of the district.
 - B. Other conditions, standards or amenities may be required to be greater than the minimum provided for in the underlying district.
 - C. Changes in requirements or limited inclusion of land uses not otherwise permitted may be granted after considering the impact on adjacent uses and compatibility with the Future Land Use Plan. All development shall be in conformity with the Land Use District policies and criteria within the Comprehensive Plan and consistent with the purpose of the Hickman Zoning Ordinance, including such

specific purposes as:

- 1. Minimizing congestion in streets or roads;
- 2. Securing safety from fire and similar dangers;
- 3. Lessening or avoiding the hazards to persons or damage to property resulting from the accumulation or runoff of storm or flood waters;
- 4. Preventing excessive and wasteful scattering of population or settlement;
- 5. Protecting the tax base;
- 6. Protecting property against blight and depreciation;
- 7. Securing economy in governmental expenditures and services;

3.06 Procedure.

- A. A property owner or developer who intends to develop a tract of land containing at least the minimum lot area for the underlying zoning district of five (5) acres, whichever is greater and involving more than one lot, may apply for rezoning the property to a UDO Urban Development Overlay District. The rezoning change shall be an amendment of the zoning map as an appendage to the existing zoning district. The rezoning change may also be a request to change the existing primary zoning district to another primary zoning district with the UDO as an appendage.
- B. The applicant shall file, together with the rezoning application, a Development Plan and such other drawings or calculations necessary to determine whether the proposed development conforms with the intent of the UDO and provides for incorporation into the city's future growth.
- C. The plans and other drawings and calculations shall provide adequate information to show the arrangement of lots, the number of dwelling units or establishments, building set backs and height, access drives, walks, parking areas, drainage, grading plan, utilities distribution, recreation areas, open spaces, and the general landscape development.
- D. The property owners may further be asked to furnish other information, such as typical building floor plans, building elevations to show the general architectural character of the buildings, some indications as to size and type of landscape plant materials, pavements, and other major site improvements.
- E. The property owner shall submit the tentative construction time schedule (phasing plan); the description of the intended means of financing any proposed common areas or common improvements; statements covering ownership and maintenance of common easements or other common areas, such as open space or recreational facilities; documents for incorporation of Home Owners organization; restrictive covenants; and any other document that may assist the city in reviewing the application. Such construction schedule shall be substantially completed as approved in this section. If, in the opinion of the city council, sufficient development has not been commenced or completed, a public hearing to consider removing all or a portion of the UDO may be initiated. The applicant shall be given notice and may present a request for extending the construction time schedule.
- F. The developer shall be required to complete all development in each phase prior to starting construction on subsequent phases including such elements as roads, utilities, and landscaping. Each phase shall provide a balance of permitted uses

- and shall not contain a majority of uses not otherwise permitted. This may be waived where sufficient phases have been completed to reduce potential impacts on adjacent properties.
- G. These plans, construction schedule, the site development plans, drawings, calculations, and other documents, shall form the basis for issuance of a building permit in conformity therewith.
- H. Any major change in the development plan which may increase the number of dwelling units or establishments, the number of parking stalls, the size or number of structures, and which is a substantial change from the plans and documents approved by the City Council, in the opinion of the Building Inspector, may require a resubmission for approval of the application for rezoning. Any minor changes or adjustments or decrease in the number of dwelling units, common facilities and recreation facilities may be approved by the Building Inspector without resubmission.

Section 4: R-1 Single Family Residential.

4.01 Intent. The Single Family Residential District is intended to establish minimum standards that will foster a suitable environment for residences by preserving adequate light, air, and open space, and to provide for supporting neighborhood convenience facilities that will not disrupt the residential quality of any neighborhood.

4.02 Permitted Uses:

- A. Single family dwellings.
- B. Churches, temples, seminaries, convents, including residences for teachers and pastors.
- C. Publicly owned and operated parks, forest preserves, playgrounds, fire stations, community centers, libraries, and auditoriums.
- D. Public underground local distribution utilities.

4.03 Permitted Special Uses:

- A. Nursing homes, rest homes, sanitariums, convalescent homes, funeral homes or other similar uses.
- B. Hospitals, colleges, universities, philanthropic institutions.
- C. Bed and breakfast in existing residence.
- D. Public utility main transmission lines including substations, distribution centers, regulator stations, pumping stations, treatment facilities, storage, equipment buildings, garages, towers, and similar public services uses.
- E. Non-conforming residential structure. The city may allow a permit to expand an existing nonconforming single family dwelling or accessory structure. In addition to the regular requirements of a special use permit, the following requirements must be met:
 - 1. Limited to structures built before July, 1977.
 - 2. Permit cannot authorize a new type of non-conformity of use or structure or increase the degree of non-conformity.
 - 3. A structure must be located on a lot of not less than 5000 square feet.

4.04 Accessory Uses:

- A. Buildings and uses customarily incidental to the permitted uses.
- B. No accessory building shall exceed the ground floor coverage of the principal dwelling.
- C. Home occupations.
- D. Temporary buildings incidental to construction work where such buildings or structures are removed upon completion of work.
- E. Signs as provided for in Article 7.
- F. Parking as provided for in Article 7.
- 4.05 Height and Lot Requirements: The height and minimum lot requirements shall be as follows:

	Sq. Ft. <u>Area</u>	Lot <u>Width</u>	Front <u>Yard</u>	Side <u>Yard</u>	Rear <u>Yard</u>	Max <u>Height</u>	Max Lot Coverage
Single Family Dwelling	7,200′	70′	30'	10'	30′	35′	30%
Other Permitted Uses and Special Uses	10,000′	75′	30′	10'/15'1	25'	65'	25%
Accessory Buildings			50′	8′	8′	15'	10%2

^{1 15} foot side yard required for building over 35' in height.

Section 5: R-2 Medium Density Residential.

5.01 *Intent:* This district is intended to provide for single to two (2) family residential development in areas with adequate public facilities and supporting uses near population centers.

5.02 Permitted Uses:

- A. Single family dwellings.
- B. Single family attached dwellings (Maximum of two (2) dwelling units per structure).
- C. Two-family (duplex).
- D. Public and private schools.
- E. Universities and colleges.
- F. Churches, temples, seminaries, convents, including residences for teachers and pastors.
- G. Public underground local distribution utilities.

5.03 Permitted Special Uses:

A. Three (3) and four (4) family dwellings. Location of 3-4 family units shall be adjacent to arterial with driveway from side street; adjacent to R-3 or Commercial District; and not allowed adjacent to R-1 Districts.

Provided total area of accessory structure for single family does not exceed 600 sq. ft. and the total lot coverage of all buildings does not exceed 30%

- B. Public utility main transmission lines including substations, distribution centers, regulator stations, pumping stations, treatment facilities, storage, equipment buildings, garages, towers, or similar public service uses.
- C. Hospitals, sanitariums, rest homes, nursing homes, convalescent homes, other similar institutions, philanthropic institutions or funeral homes.
- D. Bed and breakfast in existing residence.
- E. Non-conforming residential structure. To expand an existing non-conforming single family dwelling or accessory structure. In addition to the regular requirements of a special use permit, the following requirements must be met:
 - 1. Limited to structures built before July, 1977.
 - 2. Permit cannot authorize a new type of non-conformity of use or structure or increase the degree of non-conformity.
 - 3. A structure must be located on a lot of not less than 5000 square feet.
- 5.04 Accessory Uses: The following accessory uses are permitted in the R-2 Medium Density Residential District:
 - A. Buildings and uses customarily incidental to the permitted uses.
 - B. No accessory building shall exceed the ground floor coverage of the principal dwelling.
 - C. Parking for permitted uses as per Article 7.
 - D. Signs allowed in Article 7.
 - E. Home occupations.

5.05 Height and Lot Requirements: The height and minimum lot requirements shall be as follows:

	Sq. Ft. <u>Area</u>	Lot <u>Width</u>	Front <u>Yard</u>	Side <u>Yard</u>	Rear <u>Yard</u>	Max <u>Height</u>	Max Lot Coverage
Single Family Dwelling	5,000′	50′	25'	6′	25'	35′	40%
Two Family Dwellings	10,000′	75′	25'	6′	25′	35′	40%
Other Permitted Uses	10,000′	80′	25'	10'	30'	30'	25%
Accessory Buildings			50′	6′	5′	15'	10%1

Provided total area of accessory structure for single family does not exceed 600 sq. ft. and the total lot coverage of all buildings does not exceed 40%

Section 6: R-3 High Density Residential.

6.01 *Intent:* The purpose of this district is to permit high density residential development in areas providing all public facilities and supporting facilities to maintain a sound and pleasant environment for the inhabitants.

6.02 Permitted Uses:

- A. Single family dwellings.
- B. Single family attached dwellings.
- C. Multiple family dwellings, with two or more dwelling units.
- D. Lodging and boarding houses, including bed and breakfast facility.
- E. Public and private schools.
- F. Universities and colleges.
- G. Churches, temples, seminaries, and convents including residences for teachers and pastors.
- H. Publicly owned and operated parks, playgrounds, fire stations, community centers, libraries, and auditoriums, golf courses, tennis clubs, swimming clubs.
- I. Public local distribution utilities.
- J. Hospitals, sanitariums, rest homes, nursing homes, convalescent homes, or other similar institutions, philanthropic institutions or funeral homes.

6.03 Permitted Special Uses:

- A. Public utility main transmission lines including substations, distribution centers, regulator stations, pumping, treatment facilities, storage, equipment buildings, garages, towers, or similar public service uses.
- B. <u>Mobile home parks.</u> In addition to the regular requirements of a special use permit, the following requirements must be met:
 - 1. A mobile home park shall have an area of not less that two (2) acres, nor more than five (5) acres, and no mobile home park lot or office or service building shall be closer to a street or road right-of-way or other property line than twenty-five (25) feet.

- 2. Individual mobile home lots shall have an area of not less than three thousand (3,000) square feet and the mobile home park shall not include more than seven (7) units per gross acre.
- 3. A minimum of twenty-five (25) feet, measured from any entrance, lean-to or other extension from said mobile home shall be maintained between mobile homes.
- 4. When submitting an application to the Planning Commission for a Special Use Permit, for the purpose of this subsection, said application shall set forth the location and legal description of the proposed mobile home park property, a sketch of the proposed locations of mobile homes and location of sanitary conveniences and other buildings and improvements.
- 5. No certificate of occupancy shall be granted until after certification of compliance with all federal, state and local ordinances and regulations regarding mobile home park licensing, health, plumbing, electrical, building, fire prevention and all other applicable ordinances has been made.
- C. <u>Non-conforming residential structure</u>. To expand an existing non-conforming single family dwelling or accessory structure. In addition to the regular requirements of a special use permit, the following requirements must be met:
 - 1. Limited to structures built before July, 1977.
 - 2. Permit cannot authorize a new type of non-conformity of use or structure or increase the degree of non-conformity.
 - 3. A structure must be located on a lot of not less than five thousand (5000) square feet.

6.04 Accessory Uses:

- A. Buildings and uses customarily incidental to the permitted uses.
- B. Home Occupations.
- C. Temporary buildings incidental to construction work where such buildings or structures are removed upon completion of work.
- D. Signs as provided for in Article 7.
- E. Parking as provided for in Article 7.

6.05 Height and Lot Requirements: The height and minimum lot requirements shall be follows:

	Lot <u>Area</u>	Lot <u>Width</u>	Front <u>Yard</u>	Side <u>Yard</u>	Rear <u>Yard</u>	Max <u>Height</u>	Max Lot Coverage
Single Family Dwelling	5,000′	50'	25'	8′	25'	35′	40%
Two Family Dwelling	8,000′	75′	25'	10'	25′	35′	40%
Multi-Family Dwelling (per dwelling unit)	2,900′	100′	25′	(1)	25′	45′	40%
Other Permitted Uses	10,000′	70′	15'	10'	25'	45′	30%
Accessory Buildings		•	50′	5′	5′	15′	10%2

For Multi-Family units the side yard shall be 10 feet if it is a 3-story structure, and 2 feet additional side yard on each side shall be provided for each story in excess of 3 stories.

Section 7: CL Commercial Limited District.

- 7.01 *Intent*. The Commercial Limited District is intended to provide a compact area of retail and office uses to serve portions of the community. The edge of such districts shall be designed to provide compatibility with residentially zoned properties.
- 7.02 Permitted Uses, (subject to 7.06 Use Limitations):
 - A. Retail and Service establishments carried on within an enclosed building.
 - B. Business services such as banks, insurance, real estate, offices, postal stations, printing, credit services, security brokers, dealers and exchange, title abstracting, savings and loans, finance services and investment services.
 - C. Civic and cultural facilities.
 - D. Clothing and apparel services, such as dressmaking, millinery, shoe repair, furrier, and tailors.
 - E. Self-service cleaning establishments such as laundromats and laundries.
 - F. Equipment sales and service such as radio or television shops, business machines, musical instrument shops, sewing machines, plumbing and heating, and electrical fixtures.
 - G. Personal services such as barber shops, beauty salons, reducing salons, and photographic studios.
 - H. Retail stores such as food markets, delicatessen, bakery, candy store, fruit and vegetable store, department store, drug stores, haberdasheries, books and stationery, newspaper distribution, shoe and apparel shops, hobby, camera and sporting goods, dry goods, furniture, household appliances, home furnishings, hardware, gift, jewelry, variety stores, retail mail order stores, confectionery, retail dairy stores, men's and boy's clothing and furnishings store, radio, electronics and music store, retail liquor store, antiques, cigar and tobacco, retail paint stores, flower shops, wallpaper, drapery, or floor covering store, convenience mart (with gasoline sales) and camera shops.

Provided total area of accessory structure for single family does not exceed 600 sq. ft. and the total lot coverage of all buildings does not exceed 40%.

- I. Food service, such as eating, ice cream parlor, and sandwich shops.
- J. Residential uses above the first floor.
- K. Public overhead and underground local distribution utilities.
- L. Mortuaries, funeral homes, and funeral chapels.

7.03 Permitted Special Uses:

- A. Temporary structure for festivals or commercial events.
- B. Drive-in restaurants.
- C. Recreational establishments such as bowling alleys, billiard halls.
- D. Gasoline service stations with service and/or automobile repair.
- E. Residential uses on the first floor of existing buildings.
- F. Cocktail lounges and taverns.
- G. Self storage units with no outdoor storage.

7.04 Accessory Uses:

- A. Buildings and uses customarily incidental to the permitted uses.
- B. Parking as allowed in Article 7.
- C. Signs allowed in Article 7.
- 7.05 Height and Lot Requirements: The height and minimum lot requirements shall be as follows:

	Lot	Front	Side	Rear	Max
	<u>Area</u>	<u>Yard</u>	<u>Yard</u>	<u>Yard</u>	<u>Height</u>
Permitted Uses	0'	0′	0′1	20′	35'2

Side yard 10 Feet when abutting a zone requiring a side yard and 25 feet for front yard

7.06 Use Limitations:

When adjacent to residentially zoned land, no parking, drives or signs shall be allowed in the required front yard within fifteen (15) feet of such district. Furthermore, permanent screening shall be provided in this area in order to minimize impacts on residentially zoned property.

Special Provisions. Any building over two (2) stories in height permitted in Commercial Limited District shall be so designed to provide for adequate light and air so that any part of such building above the second story shall be no closer than twenty (20) feet perpendicular distance from the vertical extension of any lot boundary.

Section 8: CB Commercial Business District.

8.01 Intent: The Commercial Business District is intended to establish standards that will foster and maintain an area within the district boundaries that will benefit the retail trade, business, cultural, and social activities of the entire community.

8.02 Permitted Uses:

- A. Permitted uses allowed in the CL District with the exception of residential uses above the first floor.
- B. Cleaning establishments such as laundromats, dry cleaning and laundries using nonflammable solvents.
- C. Food service, such as eating and drinking establishments, including drive-in facilities.
- D. Recreational establishments such as bowling alleys, billiard halls.
- E. Theaters, fraternal and cultural facilities.
- F. Motels, Hotels.
- G. Cocktail lounges, taverns and retail liquor stores.
- H. Commercial parking structures or lots.
- I. Gasoline service station.
- J. Transportation depots such as railroad passenger station, bus station.
- K. Public buildings, assembly halls, auditoriums, civic centers.
- L. Other retail businesses such as equipment rental and leasing, photo finishing, trade stamp service, radio, television and electrical repair services, pawn shop, used furniture, and pet shop.

8.03 Permitted Special Uses:

- A. Temporary structures for festivals or commercial events.
- B. Residences in conjunction with the principle use when located above the ground floor.
- C. Garden and Lawn centers.

8.04 Accessory Uses:

- A. Buildings and uses customarily incidental to the permitted uses.
- B. Parking as permitted in Article 7.
- C. Signs allowed in Article 7.

8.05 Height and Lot Requirements: The height and minimum lot requirements shall be as follows:

	Lot	Front	Side ¹	Rear	Max
	<u>Area</u>	<u>Yard</u>	<u>Yard</u>	<u>Yard</u>	<u>Height</u>
Permitted Uses	0′	20′	0′	10'	45'

¹⁰ feet when abutting a zone requiring a side yard and 20 feet for any street side yards. Such side yard shall not be used for parking, drives, storage or signs.

8.06 Use Limitations:

Any business with a drive through or drive-in facility shall not be permitted on any lot adjacent to a residential district nor within one hundred feet (100') of such district.

Section 9: HO Highway Overlay District

- 9.01 Intent. This is an overlay district. It adds certain design standards to those zoning districts located along Hickman Road (7th Street) and South 68th (Chestnut). This district is indicated as HC on the Land Use Map. They are designed to promote:
 - A. Safe traffic circulation on and off and across the highway.
 - B. A high quality of design and site planning.
 - C. Flexibility in development in order to provide an attractive, viable employment corridor.

9.02 Permitted Uses:

- A. Agriculture on more than ten (10) acres.
- B. Public or semi public buildings on more than ten (10) acres.
- C. Any permitted use allowed in the underlying zoning district.

9.03 Special Permitted Uses:

- A. Uses allowed in the underlying districts subject to Article 6 and Use Limitations of this section.
- B. Parking.
- C. Accessory buildings.

9.04 Area Yard and Height Requirements:

- A. Minimum lot size: None.
- B. Minimum yard requirements:
 - 1. With no parking in front: 25 feet.
 - 2. With parking in front: 50 feet.

9.05 *Use Limitations*:

A. Thirty-five percent (35%) of the required front yard shall be maintained in a landscaped yard.

- B. Signs: One pole sign not to exceed fifteen (15) feet in height and one wall sign affixed to the side of a principle permitted building. Maximum size: eighty (80) square feet.
- C. All lots shall be served by a paved frontage road and may not take access directly from the Highway.

Section 10: I-1 Light Industrial.

10.01 Intent. It is the intent of the Light Industrial District Regulations to provide standards for area suitable for some limited industrial, wholesaling and storage activities, to preserve land for the expansion of the basic economic activities, to free these areas from intrusion by incompatible land uses, that these areas should be served with adequate transportation facilities, and that user of this land conduct activities that create low to moderate hazards to adjacent properties.

10.02 Permitted Uses:

- A. Assembly, fabrication and processing of products inside an enclosed building, including such uses as machine shops and vehicle repair, except hazardous or combustible materials.
- B. Laboratories.
- C. Manufacture and assembly of electrical and electronic appliances.
- D. Manufacturing, compounding, processing, packaging, or treatment of articles or merchandise from previously prepared materials.
- E. Manufacture of light sheet metal products including heating and ventilation equipment.
- F. Printing and publishing business.
- G. Stone and monument works.
- H. Public local distribution and main transmission utilities.
- I. Warehouses and wholesale businesses.
- J. Building materials yards with enclosed and screened storage areas.
- K. Highway maintenance yards or buildings.
- L. Self storage units.

10.03 Permitted Special Uses (Reserved):

10.04 Accessory Uses:

- A. Signs as permitted in Article 7.
- B. Parking as permitted in Article 7.

10.05 Height and Lot Requirements: The height and minimum lot requirements shall be as follows:

	Lot	Front	Side	Rear	Max	Max. Lot		
	<u>Area</u>	Yard Yard	Yard Yard	Yard	<u>Height</u>	Coverage		
Permitted Uses	10,000	25'	0'1	15'	45'	50%		

^{1 15} feet side yard when abutting a lot with residential use. Such side yard shall not be used for parking, drives, storage or signs.

Section 11: I-2 General Industrial.

- 11.01 *Intent*. It is the intent of the General Industrial District Regulations to provide areas and standards for development of those suitable for industrial and storage activities, and particularly to separate high hazard activities from those less hazardous and to prevent the encroachment of less hazardous activities into the high hazard areas.
- 11.02 Permitted Uses: The following principal uses are permitted in the I-2 District, except those which by reason of the emission of odor, dust, fumes, smoke, noise, and other obnoxious characteristics would be injurious to the public health, safety, and general welfare. These permitted uses shall include such as:
 - A. Assembly of metal products.
 - B. Concrete or cement products manufacture.
 - C. Dyeing and cleaning establishments.
 - D. Laboratories.
 - E. Manufacture and assembly of electrical and electronic appliances.
 - F. Manufacturing, compounding, processing, packaging or treatment of articles or merchandise from previously prepared materials, such as bone, cloth, aluminum, cork, fiber, leather, glass, plastic, paper, stones, tin, rubber, and paint.
 - G. Manufacture of sheet metal products including heating and ventilation equipment.
 - H. Machine shops or other metal working excluding drop hammers and other noise producing tools.
 - I. Wholesale Bakery products manufacture.
 - J. Dairy products manufacture.
 - K. Feed and forage plants.
 - L. Grain mill products manufacture.
 - M. Fabrication, manufacture and treatment of lumber or wood products.
 - N. Public local distribution and main transmission utilities.
 - O. Watchman's Residence in conjunction with the principle use.
 - P. Self storage units.
- 11.03 Permitted Special Uses: (Reserved)
- 11.04 Accessory Uses:
 - A. Signs as permitted in Article 7.
 - B. Parking as permitted in Article 7.

11.05 Height and Lot Requirements: The height and minimum lot requirements shall be as follows:

	Lot	Front Side		Rear	Max
	<u>Area</u>	<u>Yard</u>	<u>Yard</u>	Yard	<u>Height</u>
Permitted Uses	10,000	25'	0′1	15′	45'

^{1 15} feet side yard when abutting a lot with residential use. Such side yard shall not be used for parking, drives, storage or signs.

Section 12: IP Industrial Park.

- 12.01 Intent. It is the intent of the Industrial Park District Regulations to provide standards for areas suitable for clean, unhazardous industrial activities, to preserve land for the establishment and expansion of basic economic activities, to free these areas from intrusion by incompatible land uses, and that users of this area be permitted to maintain an attractive, safe area for their activities.
- 12.02 Permitted Uses. The following uses of land, structures and buildings shall be permitted in this district: manufacturing, and assembly; as listed in Sub Section 10.02 I-1 Light Industrial District.
- 12.03 Permitted Accessory Uses. The following uses of land, structures and buildings shall be permitted within this district provided they are recognized as accessory to the performance of the uses permitted in subsection b above; freight, handling, warehousing, office, food service.
- 12.04 Special Use Exceptions. Uses permitted in the I-2 General Industrial District where a site plan and conditions are established to provide safe access; screening from adjacent properties and limitations on activities that would have a potential negative impact on adjacent properties.
- 12.05 *Permitted Structures*. Structures in the following use group classifications shall be permitted in this district, as listed in the I-1 Light Industrial District.
- 12.06 Special Structure Exceptions. None.
- 12.07 Minimum Lot and District Requirements.
 - A. Lot size: 10,000 square feet.
 - B. District size: 1 Acre.
- 12.08 Minimum Yard Requirements. It shall be permissible for a wall to be used by adjoining property owners as a wall common to their business; however, where a common wall is not utilized, no building shall be closer than twenty (20) feet from the property line in the district and fifty (50) feet from property lines in other non-industrial districts. Nothing in this section shall be construed to invalidate any requirement of any other code or ordinance.

- 12.09 Maximum Lot Coverage. Eighty (80) percent of the total lot area of any lot in this district is the maximum permitted coverage by buildings, structures and surface paving.
- 12.10 Special Provisions. None

Section 13: PD - Planned Development District

- 13.01 *Intent*. This zoning district is created to be appended to a residential, commercial, or industrial district for the placement and location of more than one building on a lot in an arrangement to allow for increased flexibility in site planning and to encourage development compatible with the long range goals of the community.
- 13.02 Permitted Principal Uses. Any principal uses permitted in the primary zoning district to which the PD Planned Development District classification is appended.
- 13.03 Permitted Special Uses. Any special uses permitted in the primary zoning district to which the PD Planned Development District classification is appended may be authorized.
- 13.04 Accessory Uses. Any accessory uses permitted in the primary zoning district to which the PD Planned Development classification is appended.
- 13.05 Height and Lot Requirements. All height and lot areas provisions of the primary zoning district to which PD Planned Development District classification is appended shall be applicable, unless the Council shall find that modifications of the standards:
 - A. are consistent with the goals of the comprehensive plan and provide quality of design and livability;
 - B. will preserve the values of adjacent properties, and that adequate design provisions have been included along the perimeter of the proposed development, and
 - C. will generally protect the health, safety and welfare of the community.
- 13.06 Minimum District Size. The minimum area of a tract of land to be zoned as an appended PD-Planned Development District is dependent on the primary zoning district as follows:

Primary Zoning Districts	Minimum Area (Acres)
Residential	5
Commercial	2
Industrial	10

13.07 Procedure:

A. Application. When a property owner or developer intends to develop a tract of land containing at least the minimum area for that primary zoning district and involving more than one establishment, or in the case of a residential zoned area, more than one dwelling unit, he may apply for rezoning the property to a PD, Planned Development District. The rezoning change shall be amendment to the zoning map as an appendage to the existing primary zoning district. The

rezoning change may also be a request to change the existing primary zoning district to another zoning district with the PD as an appendage.

The property owner shall file, together with the rezoning application, a Site Development Plan and such other drawings or calculations necessary to determine whether the proposed development conforms with the provisions of the primary zoning district to which the PD is to be appended. In the event the applicant is seeking modifications to the district requirements, information shall be submitted as to the extent of the modification, justifications, and specific proposals for mitigating any impacts on adjacent properties.

B. Required Information. The plans and other drawings and calculations shall provide adequate information to show the arrangement of buildings, the number of dwelling units or establishments, building bulk and height, access drives, walks, parking areas, drainage, grading plan, utilities distribution, recreation areas, open spaces, and the general landscape development.

The property owner may further be asked to furnish other information, such as typical building floor plans, building elevations to show the general architectural character of the buildings, some indications as to size and type of landscape plant materials, pavements, and other major site improvements.

- C. Amendments. Changes in the Development Plan, which increase the number of dwelling units or establishments, the arrangement of buildings, the number of parking stalls, any increase in the size or number of other improvements, and the alignment of driveways or roadways shall require a resubmission for approval of the application for rezoning. Any minor changes or adjustments or decrease in the number of dwelling units, common facilities and recreation facilities may be approved by the Council without resubmission.
- 13.08 Other Applicable Provisions. Off-street parking shall be provided for all uses established in this zoning district.

The entire planned development may be considered as one zoned lot.

Signs in districts with industrial or commercial designation shall be limited to ground signs not over eight (8) feet in height (8) feet in height and wall signs.

Section 14: FF/FW Flood Plain Districts

- 14.01 Statement of Purpose: It is the purpose of this ordinance to promote the public health, safety, and general welfare and to minimize losses due to flood hazards by applying the provisions of this ordinance to:
 - A. Restrict or prohibit uses which are dangerous to health, safety, or property in times of flooding or cause undue increases in flood heights or velocities.
 - B. Require that uses vulnerable to floods, including public facilities which serve such uses, be provided with flood protection at the time of initial construction.

- C. Protect individuals from buying lands which are unsuited for intended purposes because of flood hazard.
- D. Assure that eligibility is maintained for property owners in the community to purchase flood insurance in the National Flood Insurance Program.

14.02 General Provisions:

A. <u>Lands to Which Ordinance Applies:</u>

This ordinance shall apply to all lands within the jurisdiction of the City of Hickman identified on the Flood Insurance Rate map (FIRM) as numbered and unnumbered A Zones (including AE, AO, and AH Zones) and within the Zoning Districts FW and FF established in sub-section 14.04 of this ordinance. In all areas covered by this ordinance no development shall be permitted except upon the issuance of a floodplain permit to develop, granted by the City Council or its duly designated representative under such safeguards and restrictions as the City Council or the designated representative may reasonably impose for the promotion and maintenance of the general welfare, health of the inhabitants of the community and where specifically noted in sub-section 14.05, 14.06 and 14.07.

B. The Enforcement Officer:

The Mayor of the community is hereby designated as the community's duly designated Enforcement Officer under this Ordinance.

C. Rules for Interpretation of District Boundaries:

The boundaries of the floodway and flood fringe overlay districts shall be determined by scaling distances on the official zoning map or on the Flood Insurance Rate Map or Floodway Map. Where interpretation is needed to the exact location of the boundaries of the districts as shown on the official zoning map, as for example where there appears to be a conflict between a mapped boundary and actual field conditions, the Enforcement Officer shall make the necessary interpretation. In such cases where the interpretation is contested, the Board of Adjustment will resolve the dispute. The regulatory flood elevation for the point in question shall be the governing factor in locating the district boundary on the land. The person contesting the location of the district boundary shall be given a reasonable opportunity to present his case to the Board of Adjustment and to submit his own technical evidence, if he so desires.

D. Compliance:

Within identified special flood hazard areas of this community, no development shall be located, extended, converted or structurally altered without full compliance with the terms of this ordinance and other applicable regulations.

E. Abrogation and Greater Restrictions:

It is not intended by this ordinance to repeal, abrogate or impair any existent easements, covenants, or deed restrictions. However, where this ordinance imposes greater restrictions, the provision of this ordinance shall prevail. All other ordinances inconsistent with ordinance are hereby repealed to the extent of the inconsistency only.

F. <u>Interpretation:</u>

In their interpretation and application, the provisions of this ordinance shall be held to be minimum requirements and shall be liberally construed in favor of the governing body and shall not be deemed a limitation or repeal of any other powers granted by state statutes.

G. Warning and Disclaimer of Liability:

The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on engineering and scientific methods of study. Larger floods may occur on rare occasions or the flood height may be increased by man-made or natural causes, such as ice jams and bridge openings restricted by debris. This ordinance does not imply that areas outside floodway and flood fringe district boundaries or land uses permitted within such districts will be free from flooding or flood damage. This ordinance shall not create liability on the part of the City of Hickman or any officer or employee thereof for any flood damages that may result from reliance on this ordinance or any administrative decision lawfully made thereunder.

H. Severability:

If any section, clause, provision or portion of this ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected thereby.

I. Appeal:

Where a request for a permit to develop or a variance is denied by the Mayor the applicant may apply for such permit or variance directly to the Board of Adjustment.

14.03 Development Permit:

A. Permit Required:

No person, firm or corporation shall initiate any floodplain development or substantial improvement or cause the same to be done without first obtaining a separate permit for development as defined in sub-section 14.12.

B. Administration

- 1. The Mayor is hereby appointed to administer and implement the provisions of this ordinance.
- 2. Duties of the Mayor shall include, but not be limited to:
 - a) Review all development permit applications to assure that sites are reasonably safe from flooding and that the permit requirements of this ordinance have been satisfied.
 - b) Review applications for proposed development to assure that all necessary permits have been obtained from those Federal, State, or Local governmental agencies from which prior approval is required.
 - c) Notify adjacent communities and the Nebraska Natural Resources Commission prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency

- Management Agency.
- d) Assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished.
- e) Verify, record and maintain record of the actual elevation (in relation to mean seal level) of the lowest floor (including basement) of all new or substantially improved structures in special flood hazard areas.
- f) Verify, record and maintain record of the actual elevation (in relation to mean sea level) to which new or substantially improved structures have been floodproofed.
- g) When floodproofing is utilized for a particular structure the Mayor shall be presented certification from a registered professional engineer or architect.

C. Application for Permit:

To obtain a floodplain development permit, the applicant shall first file an application in writing on a form furnished for that purpose. Every such application shall:

- 1. Identify and describe development to be covered by the floodplain development permit.
- 2. Describe the land on which the proposed development is to be done by lot, block, tract, and house and street address, or similar description that will readily identify and definitely locate the proposed building or development.
- 3. Indicate the use or occupancy for which the proposed development is intended.
- 4. Be accompanied by plans and specifications for proposed construction.
- 5. Be signed by the permittee or his authorized agent who may be required to submit evidence to indicate such authority.
- 6. Give such other information as reasonably may be required by the Mayor.
- 14.04 Establishment of Zoning Districts: Along watercourses where a floodway has been established, the mapped floodplain areas are hereby divided into the two following districts: A floodway overlay district (FW) and a flood fringe overlay district (FF) as identified in the Flood Insurance Study [and accompanying map(s)]. Within these districts all uses not meeting the standards of this ordinance and those standards of the underlying zoning district shall be prohibited.

14.05 Standards for Floodplain Development:

A. No permit for development shall be granted for new construction, substantial improvements and other development(s) including the placement of manufactured homes within all numbered and unnumbered A zones including AE, AO, and AH zones, unless the conditions of this Section are satisfied.

- B. All areas identified as unnumbered A zones on the FIRM are subject to inundation of the base flood; however, the water surface elevation was not provided. The unnumbered A zones shall be subject to all development provisions of sub-section 14.06. If Flood Insurance Study data is not available, the community shall utilize any base flood elevation or floodway data currently available from Federal, State, and other sources.
- C. Until a floodway has been designated, no development or substantial improvement may be permitted within special flood hazard areas unless the applicant has demonstrated that the proposed development or substantial improvement, when combined with all other existing and reasonably anticipated developments or substantial improvements, will not increase the water surface elevation of the base flood more than one (1) foot at any location as shown on the Flood Insurance Study.
- D. New Construction, subdivision proposals, substantial improvements, prefabricated buildings, placement of manufactured and mobile homes and other developments shall require:
 - 1. Design or anchorage to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.
 - 2. New or replacement water supply systems and/or sanitary sewage systems be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters, and on-site waste disposal systems be located so as to avoid impairment or contamination.
 - 3. Construction with materials resistant to flood damage, utilizing methods and practices that minimize flood damages, and with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
 - 4. All utility and sanitary facilities be elevated or floodproofed up to the regulatory flood protection elevation.

E. Storage of Material and Equipment:

- 1. The storage or processing of materials that are in time of flooding buoyant, flammable, explosive, or could be injurious to human, animal or plant life is prohibited.
- 2. Storage of other material or equipment may be allowed if not subject to major damage by floods and firmly anchored to prevent flotation or if readily removable from the area within the time available after flood warning.

- F. Subdivision proposals and other proposed new development, including manufactured or mobile home parks or subdivisions, be required to assure that:
 - 1. All such proposals are consistent with the need to minimize flood damage,
 - 2. All public utilities and facilities, such as sewer, gas, electrical, and water systems are located, elevated and constructed to minimize or eliminate flood damage,
 - 3. Adequate drainage is provided so as to reduce exposure to flood hazards, and
 - 4. Proposals for development (including proposals for manufactured or mobile home parks and subdivision) of five (5) acres or fifty (50) lots, whichever is lesser, include within such proposals the base flood elevations.

14.06 Flood Fringe Overlay District - Including AO & AH Zones

A. Permitted Uses:

Any use permitted in sub-section 14.07 shall be permitted in the Flood Fringe Overlay District. No use shall be permitted in the district unless the standards of sub-section 14.05 are met.

- B. Standards for the Flood Fringe Overlay District:
 - 1. Require new construction or substantial improvements of residential structures to have the lowest floor, including basement, elevated to or above one (1) foot above the base flood elevation.
 - 2. Require new construction or substantial improvements of non-residential structures to have the lowest floor, including basement, elevated to or above one (1) foot above the base flood elevation or, together with attendant utility and sanitary facilities, to be floodproofed so that below that level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A registered professional engineer or architect shall certify that the standards of this subsection are satisfied. Such certification shall be provided to by Mayor as set forth in Section 14.03, B (2) (g).
 - 3. Require for all new construction and substantial improvements that fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria: A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided. The bottom

of all openings shall be not higher than one foot above grade. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

- 4. Within AH zones adequate drainage paths around structures on slopes shall be required in order to guide floodwaters around and away from proposed structures.
- 5. Manufactured or Mobile Homes:
 - a) All manufactured or mobile homes shall be anchored to resist floatation, collapse, or lateral movement. Manufactured homes must be anchored in accordance with local building codes or FEMA guidelines. In the event that over-the-top frame ties to ground anchors are used, the following specific requirements (or their equivalent) shall be met:
 - (1) Over-the-top ties be provided at each of the four corners of the manufactured or mobile home, with two additional ties per side at intermediate locations and manufactured homes less than fifty (50) feet long requiring one additional tie per side:
 - (2) Frame ties be provided at each corner of the home with five (5) additional ties per side at intermediate points and manufactured or mobile homes less than sixty (60) feet long requiring four (4) additional ties per side;
 - (3) All components of the anchoring system be capable of carrying a force of four thousand eight hundred (4,800) pounds; and
 - (4) Any additions to the manufactured or mobile home be similarly anchored.
 - b) Require that all manufactured or mobile homes to be placed or substantially improved within special flood hazard areas on the community's FIRM on sites:
 - (1) Outside of manufactured home park or subdivision.
 - (2) In a new manufactured home park or subdivision.
 - (3) In a subdivision to an existing manufactured home park or subdivision, or
 - (4) In an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as the result of a flood, be elevated on a permanent foundation such that the lowest floor of the manufactured home is at or above one (1) foot above the base flood elevation; and be securely anchored to an adequately anchored foundation system in accordance with the provisions of Section 14.06, B (5) (a).

- c) Require that manufactured homes to be placed or substantially improved on sites in an existing manufactured home park or subdivision within special flood hazard areas on the community's FIRM that are not subject to the provisions of Section 14.06, B (5) (a) be elevated so that either:
 - (1) The lowest floor of the manufactured home is at or above (1) foot above the base flood elevation, or
 - (2) The manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than thirty-six (36) inches in height above grade; and be securely anchored to an adequately anchored foundation system in accordance with the provisions of Section 14.06, B (5) (b).
- 6. Recreational vehicles placed on sites within the special flood hazard areas on the community's official map shall either (i) be on the site for fewer than one hundred eighty (180) consecutive days, (ii) be fully licensed and ready for highway use, or (iii) meet the permit requirements and the elevation and anchoring requirements for "manufactured homes" of this ordinance. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick-disconnect type utilities and security devices, and has no permanently-attached additions.
- 7. Located within the areas of special flood hazard established in sub-section 14.02, A are areas designated as AO Zones. These areas have special flood hazards associated with base flood depths of one (1) to three (3) feet where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate; therefore, the following provisions apply within AO Zones:
 - a) All new construction and substantial improvements of residential structures shall have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as one (1) foot above the depth number specified in feet on the community's FIRM (at least two feet if no depth number is specified).
 - b) All new construction and substantial improvements of non-residential structures shall:
 - (1) Have the lowest floor elevated above the highest adjacent grade at least as high as one (1) foot above the depth number specified in feet on the community's FIRM (at least two feet if no depth number is specified), or
 - (2) Together with attendant utility and sanitary facilities be completely floodproofed to or above that level so that any

space below that level is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads of buoyancy. Such certification shall be provided to the official as set forth in Section 14.03, B (2) (g).

- c) Adequate drainage paths around structures on slopes shall be required in order to guide floodwaters around and away from proposed structures.
- C. Minimum Standards Governing Location of Obstructions and Substantial Improvements in the Floodplains for the Base Flood:

The following minimum standards shall apply when an obstruction is to be located or substantially improved within the floodplain of a base flood. In the event of a conflict between the following minimum standards and those in subsection 14.05, the minimum standards in sub-section 14.05 shall govern.

1. Appurtenant structures used exclusively for storage of motor vehicles, and storage of other items readily removable in the event of a flood warning may have their lowest floor below one foot above the base flood elevation provided the structure is capable of withstanding hydrostatic and hydrodynamic forces caused by the base flood and provided that no utilities are installed in the structure except elevated or floodproofed electrical fixtures. If the structure is converted to another use, it must be brought into full compliance with the minimum standards governing such

14.07 Floodway Overlay District:

A. Permitted Uses:

Only uses having a low flood-damage potential and not obstructing flood flows shall be permitted within the Floodway District to the extent that they are not prohibited by any other ordinance. The following are recommended uses for the Floodway District:

- 1. Agricultural uses such as general farming, pasture, nurseries, forestry.
- 2. Residential uses such as lawns, gardens, parking, and play areas.
- 3. Non-residential areas such as loading areas, parking and airport landing strips.
- 4. Public and private recreational uses such as golf courses, archery ranges, picnic grounds, parks, wildlife and nature preserves.

B. Standards for the Floodway Overlay District:

New structures for human habitation are prohibited. All encroachments, including fill, new construction, substantial improvements, and other development

must be prohibited unless certification by a registered professional engineer or architect is provided demonstrating that the development shall not result in any increase in water surface elevations along the floodway profile during occurrence of the base flood discharge. These uses are subject to the standards of subsection 14.05 and 14.06. In Zone A unnumbered, obtain, review, and reasonably utilize any flood elevation and floodway data available through Federal, State, and other sources or sub-section 14.05, F (4) of this section, in meeting the standards of this section.

14.08 Variance Procedures:

- A. The Board of Adjustment, as herein established by the City, shall hear and decide appeals and requests for variances from the requirements of this ordinance.
- B. The Board of Adjustment shall hear and decide appeals when it is alleged that there is an error in any requirement, decision, or determination made by the City in the enforcement or administration of this ordinance.
- C. Any person aggrieved by the decision of the board may appeal such decision to the District Court as provided in Section 19-912, R.R.S. 1943.
- D. In passing upon such applications, the boards shall consider all technical evaluation, all relevant factors, standards specified in other sections of this ordinance, and;
 - 1. the danger that materials may be swept onto other lands to the injury of others;
 - 2. the danger to life and property due to flooding or erosion damage;
 - 3. the susceptibility of proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
 - 4. the importance of the services provided by the proposed facility to the community;
 - 5. the necessity to the facility of a waterfront location, where applicable;
 - 6. the availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
 - 7. the compatibility of the proposed use with existing and anticipated development;
 - 8. the relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
 - 9. the safety of access to the property in times of flood for ordinary and emergency vehicles;
 - 10. the expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and
 - 11. the costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.

E. Conditions for Variances:

- 1. Generally variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing items (2-5 below) have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.
- 2. Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.
- 3. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- 4. Variances shall only be issued upon (i) a showing of good and sufficient cause, (ii) a determination that failure to grant the variance would result in exceptional hardship to the applicant, and (iii) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
- 5. Any applicant to whom a variance is granted shall be given a written notice that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

14.09 Non-conforming Use:

- A. A structure or the use of a structure or premises which was lawful before the passage or amendment of the ordinance, but which is not in conformity with the provisions of this ordinance may be continued subject to the following conditions:
 - 1. If such use is discontinued for six (6) consecutive months, any future use of the building premises shall conform to this ordinance.
 - 2. Uses or adjuncts thereof which are or become nuisances shall not be entitled to continue as nonconforming uses.
- B. If any nonconforming use or structure is destroyed by any means, including flood, it shall not be reconstructed if the cost is more than 50 percent (50%) of the market value of the structure before the damage occurred except that if it is reconstructed in conformity with the provisions of this ordinance. This limitation does not include the cost of any alteration to comply with existing state or local health, sanitary, building, or safety codes or regulations or the cost of any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

- 14.10 Penalties for Violation: Violation of the provisions of this ordinance or failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with grants of variances or special exceptions) shall constitute a misdemeanor. Any person who violates this ordinance or fails to comply with any of its requirements shall upon conviction thereof be fined not more than one hundred dollars (\$100.00) and, in addition, shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense.
 - Nothing herein contained shall prevent the City or other appropriate authority from taking such other lawful action as is necessary to prevent or remedy any violation.
- 14.11 Abrogation and Greater Restrictions: It is not intended by this ordinance to repeal, abrogate or impair any existent easements, covenants, or deed restrictions. However, where this ordinance imposes greater restrictions, the provision of this ordinance shall prevail. All other ordinances inconsistent with this ordinance are hereby repealed to the extent of the inconsistency only.
- 14.12 *Interpretation:* In their interpretation and application, the provisions of this ordinance shall be held to be minimum requirements and shall be liberally construed in favor of the governing body and shall not be deemed a limitation or repeal, of any other powers granted by state statutes.
- 14.13 Warning and Disclaimer of Liability: The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on engineering and scientific methods of study. Larger floods may occur on rare occasions or the flood height may be increased by man-made or natural causes, such as ice jams and bridge openings restricted by debris. This Ordinance does not imply that areas outside floodplain district boundaries or land uses permitted within such districts will be free from flooding or flood damage. This ordinance shall not create liability on the part of City of Hickman or any officer or employee thereof for any flood damages that may result from reliance on this ordinance or any administrative decision lawfully made thereunder.
- 14.14 Severability: If any section, clause, provision or portion of this ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected thereby.
- 14.15 Conflicting Ordinances: This ordinance shall take precedence over conflicting Ordinances or parts of Ordinances. The Governing Body of the City of Hickman may, from time to time, amend this Ordinance to reflect any and all changes in the National Flood Disaster Protection Act of 1973. The regulations of this Ordinance are in compliance with the National Flood Insurance Program Regulations as published in Title 44 of the Code of Federal Regulations and the 1983 Nebraska Floodplain Management Act.
- 14.16 *Definitions:* Unless specifically defined below, words or phrases used in this Ordinance shall be interpreted so as to give them the same meaning as they have in common usage and so as to give this Ordinance its most reasonable application.

<u>Appeal</u> means a request for a review of the Chairman of the Board's interpretation of any provision of this ordinance or a request for a variance.

<u>Appurtenant Structure</u> means a structure on the same parcel of property as the principal structure, the use of which is incidental to the use of the principal structure.

<u>Area of Shallow Flooding</u> means a designated AO or AH zone on a community's Flood Insurance Rate Map (FIRM) with a one percent or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

<u>Base Flood</u> means the flood having one percent chance of being equalled or exceeded in any given year.

<u>Basement</u> means any area of the building having its floor subgrade (below ground level) on all sides.

<u>Development</u> means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

<u>Existing Construction</u> means (for the purpose of determining rates) structures for which the "start of construction" commenced before the effective date of the FIRM or before January 1, 1975, for FIRM's effective before that date. "Existing Construction" may also be referred to a "existing structure".

Existing Manufactured Home Park or Subdivision means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is complete before the effective date of the floodplain management regulations adopted by a community.

<u>Expansion of Existing Manufactured Home Park or Subdivision</u> the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

<u>Flood</u> means a general and temporary condition of partial or complete inundation of normally dry land areas from: (1) The overflow of inland or tidal waters. (2) The usual and rapid accumulation of runoff of surface waters from any source.

<u>Flood Fringe</u> is that area of the floodplain, outside of the floodway, that on the average is likely to be flooded once every 100 years (i.e., that has a one percent chance of flood occurrence in any one year).

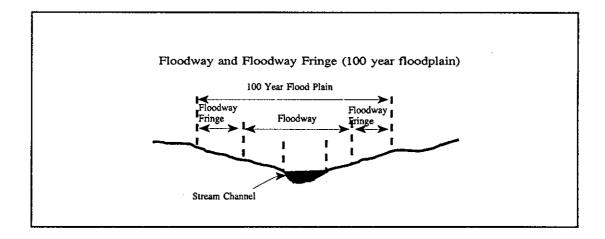
<u>Flood Insurance Rate Map (FIRM)</u> Means an official map of a community, on which the Administrator has delineated both the special flood hazards areas and the risk premium applicable to the community.

<u>Flood Insurance Study</u> is the official report provided by the Federal Emergency Management Agency. The report contains flood profiles, as well as the Flood Boundary Floodway Map and the water surface elevation of the base flood.

<u>Floodplain</u> means any land area susceptible to being inundated by water from any source (see definition of "flooding").

<u>Floodproofing</u> means any combination of structural and non-structural additions. changes or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

<u>Floodway</u> means the channel of the river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.



<u>Freeboard</u> means a factor of safety usually expressed in feet above a flood level for purposes of floodplain management. "Freeboard" tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, clogged bridge openings, and the hydrological effect of urbanization of the watershed.

<u>Highest Adjacent Grade</u> means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

Historic Structure means any structure that is: (a) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register; (b) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district preliminarily determined by the Secretary to qualify as a registered historic district; (c) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or (d) Individually listed on a local inventory of historic places in communities with

historic preservation programs that have been certified either: (1) By an approved state program as determined by the Secretary of the Interior or (2) Directly by the Secretary of the Interior in states without approved programs.

<u>Lowest Floor</u> means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this ordinance.

<u>Manufactured Home</u> means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle".

<u>Manufactured Home Park or Subdivision</u> means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

<u>New Construction</u> For floodplain management purposes, "new construction" means structures for which the "start of construction commenced on or after the effective date of the floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.

<u>New Manufactured Home Park or Subdivision</u> means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including a t a minimum the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by a community.

<u>100-Year Flood</u> means the condition of flooding having one percent chance of annual occurrence.

<u>Overlay District</u> is a district in which additional requirements act in conjunction with the underlying zoning district(s). the original zoning district designation does not change.

<u>Principally Above Ground</u> means that at least 51 percent of the actual cash value of the structure is above ground.

<u>Recreational Vehicle</u> means a vehicle which is (i) built on a single chassis; (ii) 400 square feet or less when measured at the largest horizontal projection; (iii) designed to be self-propelled or permanently towable by a light duty truck; and (iv) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

Regulatory Flood Elevation means the water surface elevation of the 100-year flood.

<u>Special Flood Hazard Area</u> is the land in the floodplain within a community subject to one percent or greater chance of flooding in any given year.

Start of Construction [for other than new construction or substantial improvements under the coastal Barrier Resources Act (Pub. L. 97-348)] includes substantial improvement. and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not the alteration affects the external dimensions of the building.

<u>Structure</u> means a walled and roofed building that is principally above ground, as well as a manufactured home, and a gas or liquid storage tank that is principally above ground.

<u>Substantial Damage</u> means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

<u>Substantial Improvement</u> means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before "start of construction" of the improvement. This includes structures which have incurred "substantial damage," regardless of the actual repair work performed. The term does not, however, include either (1) any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions, or (2) any alteration of a "historic structure," provided that the alteration will not preclude the structure's continued designation as a "historic structure."

<u>Variance</u> means a grant of relief to a person from the terms of a floodplain management ordinance.

<u>Violation</u> means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations.

Schedule of Lot and Area Requirements by Districts

	MINIMUM L	OT AREA	MINIMUI	M YARD REQUII	REMENTS	MAXIMUN	и неіднт	MAXIMUM LOT COVERAGE
ZONING DISTRICT	· LOT AREA (per dwelling unit)	LOT WIDTH	FRONT SETBACK	SIDE	REAR	IN STORIES	IN FEET	PERCENT OF LOT AREA
TA: Transitional Agricultural	40 acres	500 ft.	70 ft.	25 ft.	50 ft.	21/2	65 ft.	10%
RE: Residential Estates	20,000 sq.ft.	80 ft.	35 ft.	15 ft.	30 ft.	21/2	35 ft.	20
UDO: Urban Dev. Over	Total: 5A.		review by	City				*
R-1 Single-family Residential	7,200 s.f.	70 ft.	30 ft.	10 ft.	30 ft.	21/2	35ft	30
R-2 Residential Single-family Two-family	5,000 s.f. 10,000 s.f.	50 ft. 75 ft.	25 ft. 25 ft.	6 ft. 6 ft.	25 ft. 25 ft.	21/2	35 ft. 35 ft.	40 40
R-3: Residential Single family Two-family Multi-family	5,000 s.f. 8,000 s.f. 2,900 s.f.	50 ft. 75 ft. 100 ft.	25 ft. 25 ft. 25 ft.	8 ft. 10 ft. 10+ ft. (variable on heights)	25 ft. 25 ft. 25 ft.	21/2	35 ft. 35 ft. 45 ft.	40 40 40
CL Commercial Limited	0	0	01	O ²	20 ft.		35 ft.	
CB Commercial Business	0	0	20 ft.	O ³	10 ft.	6	45 ft.	
HO Highway Overlay	0		25 ft.	· · · · · · · · · · · · · · · · · · ·				
I-1 Light Industrial	10,000 s.f.		25 ft.	0⁴	15 ft.	4	45 ft.	50
I-2 General Industrial	10,000 s.f.		25 ft.	04	15 ft.	4	45 ft.	
IP Industrial Park	10,000 s.f.		20 ft.					80
PD Planned Develop	Comm. 2 acres		review by	City				
FF/FW Flood Plain			review by	City				

Notes: 'Subject to same regulations as Parent District of which it is appended.

2No side yard setback required unless it abuts residential district.

4 15 ft. side yard if abuts residential.

³10 ft. side yard required when abutting a zone requiring a side yard and 20 ft. for any street side yards.

ARTICLE 6: SPECIAL USE PERMITS

Section 1: General Provisions.

The City Council may, by special permit after a Public Hearing and referral to and recommendation from the Planning Commission, authorize and permit special uses as designated in the district use regulations. Approval shall be based on findings that the location and characteristics of the use will not be detrimental to the health, safety, morals, and general welfare of the area.

Allowable uses may be permitted, enlarged, or altered upon application for a special use permit in accordance with the rules and procedures of this ordinance. The Council may grant or deny a special use permit in accordance with the intent and purpose of this ordinance. In granting a special use permit, the Council will authorize the issuance of a special use permit and shall prescribe and impose appropriate conditions, safeguards, and a specified time limit for the performance of the special use permit.

Section 2: Application for Special Use Permits.

A request for a special use permit or modification of a special use permit may be initiated by a property owner or his authorized agent by filing an application with the City Clerk upon forms prescribed for the purpose. The application shall be accompanied by a drawing or site plan and other such plans and data showing the dimensions, arrangements, descriptions data, and other materials constituting a record essential to an understanding of the proposed use and proposed modifications in relation to the provisions set forth herein. A plan as to the operation and maintenance of the proposed use shall also be submitted. The application shall be accompanied with a fee of one hundred dollars (\$100.00) which is non-refundable.

Section 3: Public Hearing.

All special use permits must have a public hearing before the Planning Commission and a separate public hearing before the City Council. Before recommendation of any special use permit by a public hearing of the Planning Commission, proper notice must be given by publication in a legal newspaper of general circulation in the City one (1) time at least ten (10) days prior to such hearing. Before issuance of any special use permit, the Council will consider the application for the special use permit together with the recommendations of the Planning Commission at a public hearing after prior notice of the time, place, and purpose of the hearing has been given by publication in a legal paper of general circulation in the City of Hickman, one time at least ten (10) days prior to such hearing.

Section 4: Decisions.

The concurring vote of two-thirds of the members of the Council shall be necessary to grant a special use permit. No order of the Council granting a special use permit shall be valid for a period of longer than twelve (12) months from the date of such order, unless the Council specifically grants a longer period of time upon the recommendation of the City Planning Commission. A special use permit may not be applied for again by the same owner for a period of twelve (12) months if such request is denied.

Section 5 Standards.

No special use permit shall be granted unless the City Council has found:

- 5.01 That the establishment, maintenance, or operation of the special use will not be detrimental to or endanger the public health, safety, moral, comfort, or general welfare of the community.
- 5.02 That the special use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purpose already permitted, nor substantially diminish and impair property values within the neighborhood.
- 5.03 That the establishment of the special use will not impede the normal and orderly development of the surrounding property for uses permitted in the district.
- 5.04 That adequate utilities, access roads, drainage, and/or necessary facilities have been or are being provided.
- 5.05 That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.
- 5.06 The use shall not include noise which is objectionable, dust, vapors or other substance which is harmful to health, animals, vegetation or other property or which can cause soiling, discomfort, or irritation.
- 5.07 The use shall not involve any malodorous gas or matter which is discernible on any adjoining lot or property.
- 5.08 The use shall not involve any direct or reflected glare which is visible from any adjoining property or from any public street, road, or highway.
- 5.09 The use shall not involve any activity substantially increasing the movement of traffic on public streets unless procedures are instituted to limit traffic hazards and congestion.
- 5.10 The use shall not involve any activity substantially increasing the burden on any public utilities or facilities unless provisions are made for any necessary adjustments.

ARTICLE 7: PARKING AND SIGNS

Section 1: Scope of Parking Regulations.

Parking regulations are as shown in Section 2: Schedule of Minimum Off-Street Parking and Loading Requirements and also as required in the additional sections of this Article. Any additional conditions imposed by any other ordinances or regulations also apply.

Section 2: General Conditions.

- 2.01 Off-street automobile parking or standing space shall be provided on any lot on which any of the following uses are hereafter established, except for residential uses in the TA and RE Districts; such space shall be provided with vehicular access to a street or an alley and shall be paved unless otherwise provided for in these regulations. For purposes of computing the number of parking spaces available in a given area, the ratio of two hundred fifty (250) square feet per parking space shall be used. The following are the minimum requirements for specific uses:
 - A. <u>Dwellings</u> Three (3) spaces for each family dwelling unit.
 - B. <u>Boarding Houses and Rooming Houses</u> One (1) space for each two (2) rooms occupied or intended for occupancy by boarders or roomers, in addition to the requirements of paragraph 2.01.
 - C. <u>Tourist Accommodations</u> One (1) space for each room offered for tourist accommodations.
 - D. <u>Commercial or Business Building in a Commercial Limited or Commercial Business District</u> Four (4) spaces for the first one thousand (1,000) square feet of ground floor space and one (1) additional space for each additional one hundred fifty (150) square feet of such floor space.
- 2.02 No parking space is permitted in the required front yard in any district except as follow:
 - A. Except for single family residences located in the TA and RE Districts, the drive and parking in the front yard of a single family residence is permitted for passenger vehicles and other licensed vehicles outside of an enclosed structure on a concrete driveway or its equivalent under the following conditions:
 - 1. The width of such parking areas shall not exceed thirty-five percent (35%) of the width of the front yard.
 - 2. The parking area shall be not less than two (2) feet from and parallel to the side lot line and not less than two (2) feet from the front property line.
- 2.03 No parking space is permitted in the required side yard in any district except as otherwise provided for in these Regulations.
- 2.04 Required parking spaces are permitted in any required rear yard.
- 2.05 All required parking spaces shall be provided on the same lot as the use for which they are required.

- 2.06 If vehicle storage space or standing space required above cannot be reasonably provided on the same lot on which the principal use is conducted in the opinion of the Board of Adjustment, the Board of Adjustment may permit such space to be provided on other offstreet property, provided such space lies within four hundred (400) feet of an entrance to such principal use. Such vehicle standing space shall be deemed to be required open space associated with the permitted use and shall not thereafter be reduced or encroached upon in any manner.
- 2.07 A special use permit is required for all parking areas greater than four (4) spaces regardless of surface material (gravel, crushed rock, asphalt, concrete, or other).
- 2.08 A special use permit is required for parking or storage of any unlicensed vehicle, boat, trailer, recreational camper, or any other unlicensed vehicle that does not require licensing on any required yard.

Section 3: Special Conditions; Licensed Personal Vehicles.

Parking of a licensed vehicle, boat, trailer, or recreational camper, unless otherwise provided for in these Regulations, in addition to, not in lieu of, the required parking space(s) in the Zoning District shall be permitted under the following conditions:

- 3.01 A vehicle, boat, trailer, or recreational camper may be parked inside of an enclosed structure when the structure conforms to the zoning requirements of the particular district in which it is located.
- 3.02 A vehicle, boat, trailer, or recreational camper may be parked outside of an enclosed structure in the side yard or rear yard but not within two (2) feet of a property line.
- 3.03 A vehicle, boat, trailer, or recreational camper may be parked outside an enclosed structure in the required front yard on a concrete driveway or its equivalent under the following conditions:
 - A. Space is unavailable in the rear yard or side yard and there is no reasonable access to either the rear yard or side yards. A corner lot is always deemed to have reasonable access to the rear yard; a fence is not deemed to prevent reasonable access.
 - B. Enclosed parking is not possible in conformance with the requirements of the district; such enclosure is not a requirement for parking a vehicle, recreational camper, trailer, or boat.
 - C. The vehicle, recreational camper, trailer, or boat is parked perpendicular to the front curb.
 - D. The vehicle, recreational camper, trailer, or boat may be parked not less than two (2) feet from the front property line, and not less than two (2) feet from the side lot line.
 - E. No part of the vehicle, recreational camper, trailer, or boat may extend over the public sidewalk or the public right-of-way.
 - F. Parking is permitted only for storage and any vehicle, recreational camper, trailer or boat shall not be:

Section 5: Certificate of Occupancy.

No land or building or part thereof hereafter erected or altered in its use or structure shall be used until the Zoning Administrator shall have issued a certificate of occupancy stating that such land, building or part thereof, and the proposed use thereof, are found to be in conformity with the provisions of this Ordinance. Within three (3) days after notification that a building or premises is ready for occupancy or use, it shall be the duty of the Zoning Administrator to make a final inspection thereof and to issue a certificate of occupancy if the land, building, or part thereof and the proposed use thereof are found to conform with the provisions of this Ordinance, or, if such certification is refused, to state refusal in writing, with the cause, and immediately thereupon mail notice of such refusal to the applicant at the address indicated upon the application.

Section 6: Penalties.

Pursuant to Section 19-913, Reissue Revised Statutes of 1943 (in full), the owner or agent of a building or premises in or upon which a violation of any provisions of this Ordinance has been committed or shall exist or lessee or tenant of an entire building or entire premises in or upon which violation has been committed or shall exist, or the agent, architect, building contractor or any other person who commits, takes part or assists in any violation or who maintains any building or premises in or upon which such violation shall exist, shall be guilty of a misdemeanor and shall be punished by a fine not to exceed one hundred dollars (\$100) for any one (1) offense. Each day of non-compliance with the terms of this Ordinance shall constitute a separate offense.

Nothing herein contained shall prevent the City from taking such other lawful action as is necessary to prevent or remedy any violation. However, nothing shall deprive the citizen of his rights under the U.S. Constitution of a jury trial.

Section 7: Remedies.

In case any building or structure is erected, constructed, reconstructed, altered, repaired, converted or maintained, or any building, structure, or land is used in violation of Sections 19-901 to 19-914, Reissue Revised Statutes of 1943 (in full), or this Ordinance, or any regulation made pursuant to said sections, the appropriate authorities of the City may institute any appropriate action or proceedings to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use, to restrain, correct, or abate such violation, to prevent the occupancy of said building, structure or land, or to prevent any illegal act, conduct, business or use in or about such premises.

Section 4: Required Parking.

SCHEDULE OF MINIMUM OFF-STREET PARKING AND LOADING REQUIREMENTS

Structures and Uses	Parking Requirements	Loading Requirements
Bowling Alleys	4 Spaces per alley	1 Space per establishment
Churches, Synagogues,	1 Space per 4 seats in main	F F
Temples and Funeral	unit of worship	2 spaces per main structure
Homes and Chapels	•	F
Eating and Drinking Places	Parking spaces equal to 30%	
	of capacity in persons	2 Spaces per establishment
Educational Uses, Nursery	Parking spaces equal to 20%	F F F
•	capacity in students	2 Spaces per structure
Educational Uses, All Other	Parking spaces equal to 40%	r a paragraphic
ŕ	of capacity of students	2 Spaces per structure
Hospitals	1 Space per 2 beds	3 Spaces per structure
Hotels	1 Space per rental unit	1 Space per establishment
Industrial Uses	1 Space per 2 employees on	
	largest shift	2 Spaces per establishment
Libraries	1 Space per 500 square feet	• •
	of floor area	1 Space per structure
Lodging and Boarding Houses	1 Space per rental unit	None required
Medical Clinics	5 Spaces per staff doctor	-
	or dentist	None required
Mobile Home Park	2 Spaces per dwelling unit	None required
Motels	1 Space per rental unit	None required
Private Clubs and Lodges	1 Space per 500 square feet	
	of floor area	1 Space per establishment
Residential Structures	3 Spaces per dwelling unit	None required
(including Mobile Home		
Dwellings)		
Retail Sales Establishments	1 Space per 200 square feet	
	of gross floor area	1 Space per establishment
Roadside Stands	4 Spaces per establishment	None required
Sanitariums, Convalescent,	1 Space per 3 beds plus 1	
and Rest Home Services	space per employee	1 Space per establishment
Service Establishments	1 Space per 200 square feet	
7774	of gross floor area	1 Space per establishment
Theaters, Auditoriums, and	1 Space per 5 people in	
Places of Assembly	designed capacity	1 Space per establishment
Veterinary Establishments	3 Spaces per staff doctor	None required
Wholesaling and Distribution	1 Space per 2 employees on	2.5
Operations	largest shift	2 Spacesper establishment

Section 5 Signs: Standard of Measurement

- 5.01 The total area of all signs permitted on a lot shall include:
 - A. The total area of the faces of all permanent exterior signs visible from a public way, plus
 - B. The area of permanent signs placed upon the surface of windows and doors, plus
 - C. The area within the outline enclosing the lettering, modeling or insignia of signs integral with the wall and not designed as a panel.
- 5.02 A building or use having frontage on a second street may include twenty percent (20%) of the length of the lot facing the second street.

Section 6: Signs, Type

- 6.01 Real Estate. Not more than two (2) signs per lot may be used as a temporary sign no larger than six (6) square feet (except, TA-1 may be up to twelve (12) square feet) and set back twenty (20) feet from the road right of way or road easement boundary.
- 6.02 Announcement. Small announcement or professional signs, not over 6 square feet in area, except that an announcement sign or bulletin board not over 18 square feet in area, set back at least twenty (20) feet from any highway, street, road, or roadway easement may be erected in connection with any of the permitted principal uses of a nonresidential nature.
- 6.03 Wall. A sign or sign flat against a building appertaining to a nonconforming use on the premises, not exceeding in the aggregate fifty (50) square feet in area except as may be authorized by the Board of Adjustment.
- 6.04 Name plate. One nameplate not exceeding two (2) square feet for each dwelling.
- 6.05 Billboard. Billboards, signboards, and other similar advertising signs subject to the same height and location requirements as other structures in the district and also subject to the following conditions and restrictions.
 - A. No billboard, signboard, or similar advertising signs shall be located at intersections so as to obstruct vision, hearing, or interfere with pedestrian or vehicular safety.
 - B. No billboard, signboard, or similar advertising signs shall be located within fifty (50) feet of any lot in a residential district.
 - C. No billboard, signboard, or similar advertising signs shall exceed seven hundred (700) square feet in area.
 - D. No billboard, signboard, or similar advertising signs shall be so constructed or located where it will unreasonably interfere with the use and enjoyment of adjoining property.
- 6.06 Ground. Ground signs at least five (5) feet from any lot line with a maximum height of ten (10 feet.

6.07 Projecting or Pole. One free standing or projecting sign for each enterprise on the premises of not more than one hundred (100) square feet per sign face, at no point closer to the front line or a side line than one-half of the required building setback distance, and not exceeding fifty (50) feet in height from the established grade level. The lowest horizontal projecting feature of any post or pole mounted sign shall be eight feet above the established grade level.

Section 7: Sign Schedule

Signs shall be permitted in the various districts according to the following schedule:

Sign Schedule

Zoning District	<u>FW</u>	<u>TA-1</u>	<u>RS</u>	<u>R-1</u>	<u>R-2</u>	<u>R-3</u>	<u>C-1</u>	<u>C-2</u>	<u>I1</u>	12	<u>IP</u>	<u>PD</u>
Sign Type												
Real Estate	+	+	+	+	+	+	+	+	+	+	+	+
Announcement	•	-	+	+	+	+	+	+	+	+	+	c
Wali	-	-	-	-	-	-	+	+	+	+	С	С
Name Plate	+	+	+	+	+	+	+	+	+	+	+	+
Billboard	-	-	-	-	-	-	-	•	+	+	•	-
Ground	-	-	-	-	-	-	+	+	+	+	+	с
Projecting or Pole	-		-	-	-	-	+	+	+	+	+	с

^{+:} permitted

^{-:} not permitted

c: Special Use

ARTICLE 8: BOARD OF ADJUSTMENT

Section 1: Members, Terms and Meetings.

Pursuant to Section 19-908, Reissue Revised Statutes of 1943 (in full): A Board of Adjustment is hereby established. The Board of Adjustment shall consist of five (5) members, each to be appointed by the City Council for staggered terms of three (3) years and removable for cause by the appointing authority upon written charges and after public hearings. Vacancies shall be filled for the unexpired term of any member whose term becomes vacant. One (1) member only of the Board of Adjustment shall be appointed from the membership of the Planning Commission, and the loss of membership on the Planning Commission by such member shall also result in his immediate loss of membership on the Board of Adjustment and the appointment of another planning commissioner to the Board of Adjustment. The members of the Board shall select one of their number as chairman, and another as vice-chairman who shall act as chairman in the chairman's absence. Both shall serve one (1) year and until their successors have been selected. The City Clerk shall act as secretary to the Board and keep a record of all proceedings, but shall take no other part in the Board's deliberations. Meetings of the Board shall be held at the call of the chairman and at such other times as the Board shall determine. Such chairman, or in his absence, the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings shall be open to the public. The Board shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the Board and shall be a public record. The Board shall adopt from time to time, subject to the approval of the City Council, such rules and regulations as it may deem necessary, to carry the appropriate provisions of this Ordinance into effect.

Section 2: Appeals to Board, Record of Appeal, Hearings and Stays.

As provided in Section 19-909, Reissue Revised Statutes of 1943 (in full): Appeals to the Board of Adjustment may be taken by any person aggrieved or by any officer, department, board or bureau of the City affected by any decision of the administrative officer. Such appeal shall be taken within a reasonable time, as provided by the rules of the Board, by filing with the officer from whom appeal is taken and with the Board of Adjustment a notice of appeal specifying the grounds thereof. The officer from whom the appeal is taken shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed from was taken. An appeal stays all proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certifies to the Board of Adjustment, after the notice of the appeal shall have been filed with him, that by reason of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board of Adjustment or by a court of record in application on notice to the officer from whom the appeal is taken and on due cause shown. The Board of Adjustment shall fix a reasonable time for the hearing of the appeal, give ten (10) days public notice thereof, as well as due notice to the parties, in interest, and decide the same within a reasonable time. Upon the hearing any party may appear in person or by agent or attorney.

Section 3: Powers and Jurisdiction on Appeal.

- 3.01 The Board of Adjustment shall have the following powers:
 - A. To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by an administrative official or agency based on or made in the enforcement of any zoning regulation or any regulation relating to the location or soundness of structures;
 - B. To hear and decide, in accordance with the provisions of this Ordinance, requests for interpretation of any map, or for decisions upon other special questions upon which the Board is authorized by this Ordinance to pass; and
 - C. To grant variances, where by reason of exceptional narrowness, shallowness or shape of a specific piece of property at the time of enactment of this Ordinance, or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of such piece of property, the strict application of any regulation under this Ordinance would result in peculiar and exceptional practical difficulties to or exceptional and undue hardships upon the owner of such property, to authorize, upon an appeal relating to the property, a variance from such strict application so as to relieve such difficulties or hardship, if such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of this Ordinance.

No such variance shall be authorized by the Board unless it finds that:

- 1. The strict application of the Ordinance would produce undue hardship;
- 2. Such hardship is not shared generally by other properties in the same zoning district and the same vicinity;
- 3. The authorization of such variance will not be changed by the granting of the variance; and
- 4. The granting of such variance is based upon reasons of demonstrable and exceptional hardship as distinguished from variations for purposes of convenience, profit or caprice. No variance shall be authorized unless the Board finds that the condition or situation of the property concerned or the intended use of the property is not of so general or recurring a nature as to make reasonably practicable the formulation of a general regulation to be adopted as an amendment to this Ordinance.
- 3.02 In exercising the above mentioned powers, the Board may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from, and may make such order, requirement, decision or determination as ought to be made, and to that end shall have all the powers of the officer from whom the appeal is taken. The concurring vote of four (4) members of the Board shall be necessary to reverse any order, requirement, decision or determination of any such administrative official, or to decide in favor of the applicant on any matter upon which it is required to pass under this Ordinance or to effect any variation in this Ordinance.

Section 4: Appeals to District Court.

Any person or persons, jointly or severally, aggrieved by any decision of the Board of Adjustment may appeal as provided by Section 19-912, Reissue Revised Statutes of 1943 (in full).

ARTICLE 9: AMENDMENT

Section 1: Amendments.

Pursuant to Section 19-905, Reissue Revised Statutes of 1943 (in full): This Ordinance may, from time to time, be amended, supplemented, changed, modified, or repealed. In case of a protest against such change, signed by the owners of twenty (20) percent or more either of the area of the lots included in such proposed change, or of those immediately adjacent on the sides and in the rear thereof extending three hundred (300) feet therefrom, and of those directly opposite thereto extending three hundred (300) feet from the street frontage of such opposite lots, such amendment shall not become effective except by the favorable vote of three-fourths (3/4) of all members of the City Council. The provisions of this section of the Ordinance relative to public hearings and official notice shall apply equally to all changes or amendments. In addition to the publication of the notice therein prescribed, a notice shall be posted in a conspicuous place on or near the property on which action is pending. Such notice shall not be less than eighteen (18) inches in height and twenty-four (24) inches in width with a white or yellow background and black letters not less than one and one-half (1 1/2) inches in height. Such posted notice shall be so placed upon such premises that it is easily visible from the street nearest the same and shall be so posted at least ten (10) days prior to the date of such hearing. It shall be unlawful for anyone to remove, mutilate, destroy, or change such posted notice prior to such hearing. Any person so doing shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than fifty dollars (\$50) or more than one hundred dollars (\$100). The provisions of this section in reference to notice shall not apply: (1) in the event of a proposed change in such regulations, restrictions, or boundaries throughout the entire area of an existing zoning district or of such municipality, or (2) in the event additional or different districts are made applicable to areas, or parts of areas, already within a zoning district of the City.

Section 2: Planning Commission Review.

No amendment, supplement, change or modification of this Ordinance, including the boundaries of any zoning district, shall be made by the City Council without first the consideration by the City Planning Commission. Public hearings by the Planning Commission and City Council for such proposals shall follow the same requirements as listed in Special Use Permits (Section 3 of Article 6). The Commission shall submit in writing its recommendations on each amendment, supplement, change or modification to the City Council within forty-five (45) days after receipt thereof. Said recommendations shall include approval, disapproval, or other suggestions and the reasons thereof, and a discussion of the effect of each amendment, supplement, change or modification on the Comprehensive Plan. Said recommendations shall be of an advisory nature only.

In addition, any person or persons seeking such an amendment, supplement, change, or modification of any zoning district, shall comply with the following:

At the time that application for a change of zoning district or amendment to the zoning test is filed with the Planning Commission, there shall be deposited a fee of one hundred dollars (\$100.00) to cover investigation, legal notices, or other expenses incidental to the determination of such matter.

- 2.02 An application for a change of district to Commercial Limited or Commercial Business shall contain a minimum area of three (3) acres. The area, if more than one (1) parcel of land is involved, shall be contiguous, exclusive of any streets or easements.
- 2.03 An application for a change of district to an Light Industrial or General Industrial District shall contain a minimum area of five (5) acres. The area, if more than one (1) parcel of land is involved, shall be contiguous, exclusive of any streets or easements.
- 2.04 The foregoing requirements in sub-sections 2.02 and 2.03 shall not apply in the case of an extension of a Commercial Limited or Commercial Business District or Light Industrial or General Industrial District.
- 2.05 An owner denied a change in zoning may not apply for the same change for one (1) year after being denied the change.

Section 3: Zoning Administrator.

The provisions of this Ordinance shall be administered and enforced by a Zoning Enforcement Officer appointed by the City Council, who shall have the power to make inspection of buildings or premises necessary to carry out his duties in the enforcement of this Ordinance.

Section 4: Building Permits.

- 4.01 It shall be unlawful to commence the excavation for the construction of any building, or any accessory buildings, or to commence the moving or alteration of any buildings, including accessory buildings, until the Zoning Administrator has issued a building permit for such work.
- Issuance of a building permit. In applying to the Zoning Administrator for a building 4.02 permit, the applicant shall submit a dimensioned sketch or a scale plan indicating the shape, size and height and location of all buildings to be erected, altered or moved and of any building already on the lot. He shall also state the existing and intended use of all such buildings, and supply such other information as may be required by the Zoning Administrator for determining whether the provisions of this Ordinance are being observed. If the proposed excavation or construction as set forth in the application are in conformity with the provisions of this Ordinance, and other Ordinances of the City then in force, the Zoning Administrator shall issue a building permit for such excavation or construction. If a building permit is refused, the Zoning Administrator shall state such refusal in writing, with the cause, and shall immediately thereupon mail notice of such refusal to the applicant at the address indicated upon the application. The Zoning Administrator shall grant or deny the permit within a reasonable time from the date the application is submitted. The issuance of a permit shall, in no case, be construed as waiving any provisions of this Ordinance. A building permit shall become void six (6) months from the date of issuance unless substantial progress has been made by that date on the project described therein.

Section 5: Certificate of Occupancy.

No land or building or part thereof hereafter erected or altered in its use or structure shall be used until the Zoning Administrator shall have issued a certificate of occupancy stating that such land, building or part thereof, and the proposed use thereof, are found to be in conformity with the provisions of this Ordinance. Within three (3) days after notification that a building or premises is ready for occupancy or use, it shall be the duty of the Zoning Administrator to make a final inspection thereof and to issue a certificate of occupancy if the land, building, or part thereof and the proposed use thereof are found to conform with the provisions of this Ordinance, or, if such certification is refused, to state refusal in writing, with the cause, and immediately thereupon mail notice of such refusal to the applicant at the address indicated upon the application.

Section 6: Penalties.

Pursuant to Section 19-913, Reissue Revised Statutes of 1943 (in full), the owner or agent of a building or premises in or upon which a violation of any provisions of this Ordinance has been committed or shall exist or lessee or tenant of an entire building or entire premises in or upon which violation has been committed or shall exist, or the agent, architect, building contractor or any other person who commits, takes part or assists in any violation or who maintains any building or premises in or upon which such violation shall exist, shall be guilty of a misdemeanor and shall be punished by a fine not to exceed one hundred dollars (\$100) for any one (1) offense. Each day of non-compliance with the terms of this Ordinance shall constitute a separate offense.

Nothing herein contained shall prevent the City from taking such other lawful action as is necessary to prevent or remedy any violation. However, nothing shall deprive the citizen of his rights under the U.S. Constitution of a jury trial.

Section 7: Remedies.

In case any building or structure is erected, constructed, reconstructed, altered, repaired, converted or maintained, or any building, structure, or land is used in violation of Sections 19-901 to 19-914, Reissue Revised Statutes of 1943 (in full), or this Ordinance, or any regulation made pursuant to said sections, the appropriate authorities of the City may institute any appropriate action or proceedings to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use, to restrain, correct, or abate such violation, to prevent the occupancy of said building, structure or land, or to prevent any illegal act, conduct, business or use in or about such premises.

ARTICLE 10: LEGAL STATUS PROVISIONS

Section 1: Separability.

Should any article, section or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of this Ordinance as a whole, or any part thereof other than the part so declared to be unconstitutional or invalid.

Section 2: Repeal of Conflicting Ordinances and Effective Date.

All ordinances or parts of ordinances in conflict with this Ordinance, or inconsistent with the provisions of this Ordinance, are hereby repealed to the extent necessary to give this Ordinance full force and effect. This Zoning Ordinance of the City of Hickman shall take effect and be in force from and after its passage and publication according to law.

ADOPTED AND	APPROVED by the Governing	Body of the City of Hickman, Nebraska
This	day of	, 1998.
(Seal)		
		(MAYOR)
ATTEST:(CIT	Y CLERK)	

March 3, 1998



JOHNSON ERICKSON O'BRIEN

Mike Dekalb Lincoln/Lancaster Co. Planning Dept. 555 So. 10th Lincoln, NE 68508

RE: Hickman Zoning. # 342 PL1

Dear Mike!

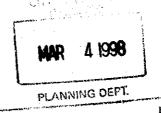
Enclosed is the proposed Zoning Map for the City of Hickman. It has gone through first READING and I do not foresce any problems or changes. If there is any minor changes, I'll be sure to call you.

Tening Maps for the City of Hickman and the Village of Bennet were the ones you requested. According to our records, you should now have both. Let us know if there are any problems/questions.

1 4 2 W . 1 1 T H S T O . B O X 2 0 7 M W A H O O , N E 6 8 0 6 6 M T E L . (4 0 2) 4 4 3 - 4 6 6 1 M F A X : (4 0 2) 4 4 3 - 3 5 0 8

Thanks,

David Patter. Plannik - JEO.



ENGINEERING ARCHITECTURE SURVEYING PLANNING

